

CORPORATION PROCEEDINGS
COMMON COUNCIL
CITY HALL - BUFFALO
TUESDAY, December 28, 2010
AT 2:00 P.M.

Present – David A. Franczyk, President of the Council, and Councilmembers: Fontana, Golombek, Haynes, Kearns, LoCurto, Rivera, Russell & Smith - 9

Absent - None

On a motion by Mr. Fontana, Seconded by Mr. Rivera, the minutes of the stated meeting held on December 14, 2010 were approved.

	* A Y E * N O *		
FONTANA	*	*	*
FRANCZYK	*	*	*
GOLOMBEK	*	*	*
HAYNES	*	*	*
KEARNS	*	*	*
LOCURTO	*	*	*
RIVERA	*	*	*
RUSSELL	*	*	*
SMITH	*	*	*
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FROM THE MAYOR

LETTER OF THE MAYOR OF THE CITY OF NEW YORK

TO: THE COMMON COUNCIL

DATE: December 16, 2010

FROM: THE EXECUTIVE DEPARTMENT

SUBJECT: 2010-2011 Capital Budget Veto Message

I have reviewed the Common Council's action on the 2010-2011 Capital Budget and hereby sustain and approve five of the Common Council's additions while objecting to the remaining one as outlined below.

In accordance with §20-26 of the City Charter, I hereby **veto and object** to the following Common Council addition to my 2010-2011 recommended Capital Budget:

OBJECTIONS PURSUANT TO §20-26 OF THE CITY CHARTER

- Nevilly Court Field Turf Installation Project (\$450,000)

However I hereby **approve and sustain** the following Common Council additions:

SUSTAINED COMMON COUNCIL ADDITIONS

- Richmond Street Lighting (Symphony Circle to Forest) (\$300,000);
- Masten District Infrastructure Improvements (Sidewalks- Fernhill & MapleRidge Streets \$187, 632 and Reconstruction to Viola Circle Park Islands \$66,000) (\$253,632);
- Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line) (\$400,000);
- North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to include modernization of locker room area, new lockers and layout revision) (\$321,000);
- Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and Landscaping) (\$150,000)

I did not include funding in my recommended capital budget and I object to the largest Common Council addition of \$450,000 for the Nevilly Court Field Turf Installation Project because I believe it is not a fiscally-prudent expenditure. Per the recent parks transfer, the City of Buffalo is now responsible for maintaining 104 additional buildings, structures and facilities, in addition to the 186 parks, fields, and public spaces for a total of 290 Parks assets. Ideally, while I would certainly want to support new fields or facilities in every community within the City of Buffalo; the financial realities dictate that our focus must be geared toward maintaining and improving our existing inventory during these difficult fiscal times. Therefore, without the availability of significant resources from the Federal and State Governments, the City of Buffalo simply cannot afford to increase our inventory. It must be noted that no Federal or State funding has been committed to this project. I would certainly be open to diverting the \$450,000 identified by the Common Council for the Nevilly Court project to improvements to an existing facility or

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facilities in the South Council District which will achieve an immediate impact such as the Cazenovia Pool, the Cazenovia Park Casino, the Southside Firehouse containing Engine 25 and Ladder 10, or infrastructure improvements to streets such as Abbott Road, McKinley Parkway, Seneca Street, or South Park.

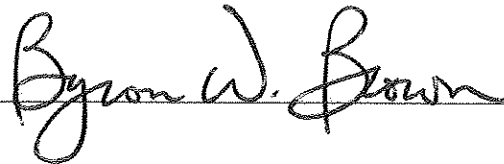
Furthermore, it must be stated that although I did not object to additions for planning and infrastructure funding related to the Nevilly Court project in last year's capital budget, I did so reluctantly based on the promise of the South District Councilmember that significant State and Federal resources would be allocated for this project. As previously stated, no State or Federal funds have been committed to this project to date.

Therefore, for the foregoing reasons **I hereby veto and object to** the Common Council's largest addition of \$450,000 for the Nevilly Court Field Turf Installation Project, and return the 2010-2011 Capital Budget to the City Clerk (without objection to the remaining five Common Council additions) in accordance with Article 20 of the City Charter.

DEPARTMENT HEAD NAME: Byron W. Brown

TITLE: Mayor

SIGNATURE OF DEPARTMENT HEAD:

A handwritten signature in cursive script, reading "Byron W. Brown", is written over a horizontal line.

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**City Clerk's Department
BUFFALO**

December 9, 2010

HON. BYRON W. BROWN
MAYOR OF BUFFALO

DEAR SIR:

Pursuant to the provisions of Section 3-19 of the Charter, I present
herewith the attached resolution item.

No. 3

PASSED December 9, 2010

Amend Capital Budget-2011 & Improve(No. 1, CCP 11/03/2010

Gerald A Chwalinski
City Clerk

FILED
CITY CLERK
2010 DEC 16 PM 4:04

No. 3

Capital Budget 2011 as Amended

2011 CAPITAL IMPROVEMENT PROGRAM BUDGET

PROJECT		2011 MAYORS RECOMMENDED BUDGET	COMMON COUNCIL REDUCTIONS	COMMON COUNCIL ADDITIONS	2011 COMMON COUNCIL ADOPTED BUDGET
BPS11001 Reconstruction of Various Schools (Plant Services)					
		\$4,900,000			\$4,900,000
	TOTAL	\$4,900,000			\$4,900,000
CITY OF BUFFALO					
BUFFALO FIRE DEPARTMENT					
BFD07001 Purchase Fire Apparatus		\$1,465,900	(\$500,000)		\$965,900
BLDG11013 Fire Department Various Reconstruction/Upgrades (Buildings & Facilities)		\$240,750			\$240,750
BUFFALO POLICE DEPARTMENT					
BPD11001 City Court Prisoner Lock-up (Buildings & Facilities)		\$1,405,000			\$1,405,000
BPD11006 Renovation Police Districts (Buildings & Facilities)		\$467,858	(\$467,858)		\$0
BPD11007 Police Headquarter Renovation (Buildings & Facilities)		\$202,444			\$202,444
CULTURAL ORGANIZATIONS					
ARTS11001 Restoration and Conservation of Public Art (Bldgs & Facil.)		\$223,000			\$223,000
BECHS11002 Replacement of Windows in Pan Am Building Annexes (Buildings & Facilities)		\$53,500			\$53,500
BMOS11001 Heat Pump Replacement (Buildings & Facilities)		\$80,250			\$80,250
BMOS11002 HVAC - Lieberts (Buildings & Facilities)		\$74,900			\$74,900
KMH11011 Kleinhans Revitalization Plan (Buildings & Facilities)		\$240,750			\$240,750
SHEAS11001 STAGEHOUSE BRICK (Buildings & Facilities)		\$107,000			\$107,000
SHEAS11004 FIRE ESCAPE (Buildings & Facilities)		\$18,190			\$18,190
SHEAS11005 BOILER REPLACEMENT (Buildings & Facilities)		\$187,250			\$187,250
ZOO11002 Zoo Main Animal Building Roof Repair (Engineering)		\$100,580			\$100,580
DPW - BUILDINGS		\$150,000			\$150,000
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)		\$160,500	(\$160,500)		\$0
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)		\$64,200	(\$64,200)		\$0
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)		\$208,650	(\$208,650)		\$0
BLDG11009 City Court Emergency Generator (Buildings & Facilities)		\$342,400			\$342,400
BLDG11010 Broadway Market Improvements (Buildings & Facilities) - Citywide Asset		\$240,750			\$240,750
BLDG11023 Community Center HVAC & Mechanical Upgrades (Bldgs & Facil.)		\$197,950			\$197,950
BLDG11024 Community Center Electrical Upgrades (Bldgs & Facil.)		\$133,750			\$133,750
BLDG11025 Community Center Roof Replacements (Buildings & Facilities)		\$230,050			\$230,050
BLDG11027 Broadway Depot Roof Replacement (Buildings & Facilities)		\$107,000			\$107,000
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)		\$107,000	(\$107,000)		\$0
BLDG11032 City-wide Building Inspections & Needs Assessment (Buildings & Facilities)		\$535,000	(\$66,424)		\$468,576
BLDG11033 Downtown Ball Park (Coca-Cola Field) Reconstruction		\$642,000			\$642,000
DPW - ENGINEERING & STREETS		\$188,320			\$188,320
ENGR06001 Citywide Infrastructure Repair/Replacement (Engineering)		\$5,146,561			\$5,146,561
ENGR07012 Emergency Bridge Repairs (Engineering)		\$457,960			\$457,960
ENGR10001 Fruit Belt Redevelopment (Engineering) - 95% match		\$90,415			\$90,415
ENGR11003 West Ferry Lift Bridge Rehabilitation (Engineering) - TIP match		\$214,000			\$214,000
ENGR11004 Elmwood Ave. (Forest to 198) (Engineering) - 95% match		\$42,800			\$42,800
ENGR11005 BNWC Phase II-B (Engineering) - 95% match		\$139,100			\$139,100
ENGR11006 BNWC Phase III (Engineering) - 95% match		\$171,200			\$171,200
ENGR11006 BNWC Phase III (Engineering) - 95% match		\$53,500			\$53,500

2011 CAPITAL IMPROVEMENT PROGRAM BUDGET

PROJECT	2011 MAYORS RECOMMENDED BUDGET	COMMON COUNCIL REDUCTIONS	COMMON COUNCIL ADDITIONS	2011 COMMON COUNCIL ADOPTED BUDGET
ENGR11007 Erie Canal Phase III (Engineering) - 95% match				
STRT08002 Streets Vehicles (Streets)	\$53,500			\$53,500
DPW - PARKS	\$675,000			\$675,000
PRKS11001 Citywide Parks Improvements - (Includes funding for Olmsted Parks)	\$1,605,000			\$1,605,000
PRKS11002 Broderick Park Phase I, II (Parks) - Citywide Asset	\$750,000			\$750,000
PRKS11003 Citywide Tree Removal & Planting	\$1,605,000	(\$300,000)		\$1,305,000
PRKS11004 Park Vehicles and Equipment (Parks)	\$535,000			\$535,000
DEMOS & STRATEGIC PLANNING				
INSP11001 DEMOLITIONS OF BUILDINGS/STRUCTURES (Demolitions)	\$2,686,022			\$2,686,022
COUNCIL ADDITIONS				
Richmond Street Lighting (Symphony Circle to Forest)			\$300,000	\$300,000
Masten District Infrastructure Improvements (Sidewalks - Fernhill & MapleRidge Streets \$187,632 and Reconstruction to Viola Circle Park Islands \$66,000)			\$253,632	\$253,632
Nevilly Court Field Turf Installation Project			\$450,000	\$450,000
Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line)			\$400,000	\$400,000
North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to include modernization of locker room area, new lockers and layout revision)			\$321,000	\$321,000
Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and Landscaping)			\$150,000	\$150,000
TOTAL	\$22,400,000	(\$1,874,632)	\$1,874,632	\$22,400,000
SUMMARY OF COUNCIL CHANGES		REDUCTIONS	ADDITIONS	
SUMMARY OF REDUCTIONS				
BFD07001 Purchase Fire Apparatus				
BPD11006 Renovation Police Districts (Buildings & Facilities)		(\$500,000)		
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)		(\$467,858)		
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)		(\$160,500)		
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)		(\$64,200)		
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)		(\$208,650)		
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)		(\$107,000)		
PRKS11003 Citywide Tree Removal & Planting		(\$66,424)		
TOTAL		(\$300,000)		
		(\$1,874,632)		
SUMMARY OF ADDITIONS				
Richmond Street Lighting (Symphony Circle to Forest)			\$300,000	
Masten District Infrastructure Improvements (Sidewalks - Fernhill & MapleRidge Streets \$187,632 and Reconstruction to Viola Circle Park Islands \$66,000)			\$253,632	
Nevilly Court Field Turf Installation Project			\$450,000	
Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line)			\$400,000	
North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to include modernization of locker room area, new lockers and layout revision)			\$321,000	
Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and Landscaping)			\$150,000	
TOTAL			\$1,874,632	

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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**City Clerk's Department
BUFFALO**

December 9, 2010

HON. BYRON W. BROWN
MAYOR OF BUFFALO

DEAR SIR:

Pursuant to the provisions of Section 3-19 of the Charter, I present
herewith the attached resolution item.

No. 4

PASSED December 9, 2010

Capital Budget-2011 as Amended

Gerald A Chwalinski
City Clerk

2010 DEC 16 PM 4:04
FILED
CITY CLERK

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No 4

311

TO: THE COMMON COUNCIL

Date: 10-29-2010

FROM: THE EXECUTIVE DEPARTMENT

SUBJECT: 2011 Capital Budget Recommendations &
2011-2015 Capital Improvements Program Recommendations

In accordance with §20-24 of the City Charter, attached please find my recommended 2011 City of Buffalo Capital Budget and 2011-2015 Capital Improvements Program. Based upon the City of Buffalo Comptroller's recommended debt limits, the 2011 Capital Budget consists of \$22.4 million in funding for City of Buffalo projects and \$4.9 million for Buffalo Public Schools projects.

In recommending individual expenditures, my administration has thoroughly reviewed the recommendations of the Citizens Planning Council (CPC). My administration is greatly appreciative of the difficult task performed by the CPC in evaluating more than \$78 million in requests. As evidenced by the attached budget, I have adhered closely to the recommendations of the CPC.

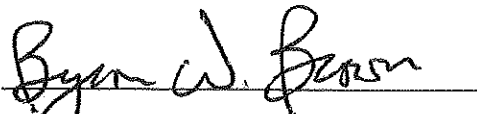
My recommended Capital Budget contains a wide variety of capital improvement projects with more than \$2.89 million in funding for City Parks including the Olmsted Parks and historic Broderick Park. This funding is necessary given the County of Erie's decision to return management of the parks to the City of Buffalo. The remainder of the City's \$22.4 million in capital funding is highlighted by:

• Citywide Infrastructure – Repair/Replacement	\$5,146,561
• Buffalo Public Schools	\$4,900,000
• Emergency Demolitions	\$2,686,022
• City-wide Tree Removal & Planting	\$1,605,000
• Buffalo Fire Department Fire Apparatus	\$1,465,900
• Buffalo Police Department Prisoner Lock-up	\$1,405,000
• Cultural Institutions	\$1,235,420
• City-wide Community Centers (HVAC, Mechanical, Electrical, Roof Repairs)	\$561,750
• Building Needs Assessment	\$535,000
• Broadway Market	\$347,750
• Downtown Ball Park (Coca-Cola Field) Improvements	\$188,320

DEPARTMENT HEAD NAME: Byron W. Brown

TITLE: Mayor

SIGNATURE OF DEPARTMENT HEAD:



**REFERRED TO THE SPECIAL
COMMITTEE ON BUDGET**

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2011 CAPITAL BUDGET RECOMMENDATIONS

PROJECT	2011
BUFFALO PUBLIC SCHOOLS	
bps11001 Reconstruction of Various Schools (Plant Services)	4,900,000
COMPTROLLERS CAP - BUFFALO PUBLIC SCHOOLS	4,900,000
CITY OF BUFFALO	
BUFFALO FIRE DEPARTMENT	
BFD07001 Purchase Fire Apparatus	1,465,900
BLDG11013 Fire Department Various Reconstruction/Upgrades (Buildings & Facilities)	240,750
BUFFALO POLICE DEPARTMENT	
BPD11001 City Court Prisoner Lock-up (Buildings & Facilities)	1,405,000
BPD11006 Renovation Police Districts (Buildings & Facilities)	467,858
BPD11007 Police Headquarter Renovation (Buildings & Facilities)	202,444
CULTURAL ORGANIZATIONS	
ARTS11001 Restoration and Conservation of Public Art (Bldgs & Facil.)	223,000
BECHS11002 Replacement of Windows in Pan Am Building Annexes (Buildings & Facilities)	53,500
BMOS11001 Heat Pump Replacement (Buildings & Facilities)	80,250
BMOS11002 HVAC - Lieberts (Buildings & Facilities)	74,900
KMH11011 Kleinhans Revitalization Plan (Buildings & Facilities)	240,750
SHEAS11001 STAGEHOUSE BRICK (Buildings & Facilities)	107,000
SHEAS11004 FIRE ESCAPE (Buildings & Facilities)	18,190
SHEAS11005 BOILER REPLACEMENT (Buildings & Facilities)	187,250
SHEAS11006 Shea's Emergency Generator (Buildings & Facilities)	100,580
ZOO11002 Zoo Main Animal Building Roof Repair (Engineering)	150,000
DPW - BUILDINGS	
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)	160,500
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)	64,200
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)	208,650
BLDG11009 City Court Emergency Generator (Buildings & Facilities)	342,400
BLDG11010 Broadway Market Improvements (Buildings & Facilities) - Citywide Asset	240,750
BLDG11023 Community Center HVAC & Mechanical Upgrades (Bldgs & Facil.)	197,950
BLDG11024 Community Center Electrical Upgrades (Bldgs & Facil.)	133,750
BLDG11025 Community Center Roof Replacements (Buildings & Facilities)	230,050
BLDG11027 Broadway Depot Roof Replacement (Buildings & Facilities)	107,000
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)	107,000
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)	535,000
BLDG11032 City-wide Building Improvements (includes Lanigan Center Improvements)	642,000
BLDG11033 Downtown Ball Park (Coca-Cola Field) Reconstruction	188,320
DPW - ENGINEERING & STREETS	
ENGR06001 Citywide Infrastructure Repair/Replacement (Engineering)	5,146,561
ENGR07012 Emergency Bridge Repairs (Engineering)	457,960
ENGR10001 Fruit Belt Redevelopment (Engineering) - 95% match	90,415
ENGR11001 West Ferry Lift Bridge Rehabilitation (Engineering) - TIP match	214,000
ENGR11003 South Park Loop Bridge Rehabilitation (Engineering) - 95% match	42,800
ENGR11004 Elmwood Ave. (Forest to 198) (Engineering) - 95% match	139,100
ENGR11005 BNMC Phase II-B (Engineering) - 95% match	171,200
ENGR11006 BNMC Phase III (Engineering) - 95% match	53,500
ENGR11007 Erie Canal Phase III (Engineering) - 95% match	53,500
STRT08002 Streets Vehicles (Streets)	675,000
DPW - PARKS	
PRKS11001 Citywide Parks Improvements - (Includes funding for Olmsted Parks)	1,605,000
PRKS11002 Broderick Park Phase I, II (Parks) - Citywide Asset	750,000
PRKS11003 Citywide Tree Removal & Planting	1,605,000
PRKS11004 Park Vehicles and Equipment (Parks)	535,000
DEMOS & STRATEGIC PLANNING	
INSP11001 DEMOLITIONS OF BUILDINGS/STRUCTURES (Demolitions)	2,686,022
TOTAL	22,400,000
LESS: COMPTROLLERS CAP	22,400,000

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2011-2015 CAPITAL IMPROVEMENTS PROGRAM RECOMMENDATIONS

	2011	2012	2013	2014	2015
BUFFALO PUBLIC SCHOOLS					
bps11001 Reconstruction of Various Schools (Plant Services)	4,900,000	5,200,000	5,600,000	5,700,000	6,100,000
COMPTROLLERS CAP - BUFFALO PUBLIC SCHOOLS					
	4,900,000				
BUFFALO FIRE DEPARTMENT					
BFD07001 Purchase Fire Apparatus	1,465,900	2,152,252	2,152,252	2,152,252	2,152,252
BLDG11013 Fire Department Various Reconstruction/Upgrades (Buildings & Facilities)	240,750	240,750	240,750	240,750	240,750
BUFFALO POLICE DEPARTMENT					
BPD11001 City Court Prisoner Lock-up (Buildings & Facilities)	1,405,000				
BPD11006 Renovation Police Districts (Buildings & Facilities)	467,858				
BPD11007 Police Headquarter Renovation (Buildings & Facilities)	202,444				
CULTURAL ORGANIZATIONS					
ARTS11001 Restoration and Conservation of Public Art (Buildings & Facilities)	223,000	217,000	215,000	214,000	194,000
BECHS11002 Replacement of Windows in Pan Am Building Annexes (Buildings & Facilities)	53,500				
BMOS					
BMOS11001 Heat Pump Replacement (Buildings & Facilities)	80,250	80,250			
BMOS11002 HVAC - Lieberts (Buildings & Facilities)	74,900	74,900	74,900	74,900	85,600
KMH11011 Kleinhans Revitalization Plan (Buildings & Facilities)	240,750				
SHEAS11001 STAGEHOUSE BRICK (Buildings & Facilities)	107,000				
SHEAS11004 FIRE ESCAPE (Buildings & Facilities)	18,190				
SHEAS11005 BOILER REPLACEMENT (Buildings & Facilities)	187,250				
SHEAS11006 Shea's Emergency Generator (Buildings & Facilities)	100,580				
ZOO11002 Zoo Main Animal Building Roof Repair (Engineering)	150,000				
DPW - BUILDINGS					
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)	160,500				
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)	64,200				
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)	208,650				
BLDG11009 City Court Emergency Generator (Buildings & Facilities)	342,400				
BLDG11010 Broadway Market Improvements (Buildings & Facilities)	240,750				
BLDG11023 Community Center HVAC & Mechanical Upgrades (Buildings & Facilities)	197,950				
BLDG11024 Community Center Electrical Upgrades (Buildings & Facilities)	133,750				
BLDG11025 Community Center Roof Replacements (Buildings & Facilities)	230,050				
BLDG11027 Broadway Depot Roof Replacement (Buildings & Facilities)	107,000				
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)	107,000	214,000	214,000	214,000	214,000
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)	535,000				
BLDG11032 City Wide Building Improvements (Buildings & Facilities) - includes Lanigan Center Improvements	642,000	642,000	642,000	642,000	642,000
BLDG11033 Downtown Ball Park (Coca-Cola Field) Reconstruction	188,320				

2011-2015 CAPITAL IMPROVEMENTS PROGRAM RECOMMENDATIONS

	2011	2012	2013	2014	2015
DPW - ENGINEERING & STREETS					
ENGR06001 Citywide Infrastructure Repair/Replacement (Engineering)	5,146,561	4,749,790	4,815,000	4,815,000	4,815,000
ENGR07012 Emergency Bridge Repairs (Engineering)	457,960	535,000	535,000	535,000	535,000
ENGR10001 Fruit Belt Redevelopment (Engineering) - 95% match	90,415				
ENGR11001 West Ferry Lift Bridge Rehabilitation (Engineering) - TIP match	214,000				
ENGR11003 South Park Loop Bridge Rehabilitation (Engineering) - 95% match	42,800				
ENGR11004 Elmwood Ave. (Forest to 198) (Engineering) - 95% match	139,100				
ENGR11005 BNMC Phase II-B (Engineering) - 95% match	171,200				
ENGR11006 BNMC Phase III (Engineering) - 95% match	53,500				
ENGR11007 Erie Canal Phase III (Engineering) - 95% match	53,500				
STRT08002 Streets Vehicles (Streets)	675,000	850,000	850,000	850,000	850,000
DPW - PARKS					
PRKS11001 Citywide Parks Improvements (Parks) - Includes Olmsted Parks	1,605,000	1,605,000	1,605,000	1,605,000	1,605,000
PRKS11002 Broderick Park Phase I, II (Parks)	750,000				
PRKS11003 Citywide Tree Removal & Planting (Parks)	1,605,000				
PRKS11004 Park Vehicles and Equipment (Parks)	535,000				
DEMOS & STRATEGIC PLANNING					
INSP11001 DEMOLITIONS OF BUILDINGS/STRUCTURES (Demolitions)	2,686,022	2,140,000	2,140,000	2,140,000	2,140,000
TOTAL	22,400,000	13,500,942	13,483,902	13,482,902	13,473,602
COMPTROLLERS CAP - CITY OF BUFFALO	22,400,000	21,700,000	21,500,000	21,400,000	19,400,000

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PROJECT	2011 MAYOR'S RECOMMENDED BUDGET	COMMON COUNCIL REDUCTIONS	COMMON COUNCIL ADDITIONS	2011 COUNCIL APPROVED BUDGET
BUFFALO PUBLIC SCHOOLS				
bps11001 Reconstruction of Various Schools (Plant Services)	\$4,900,000			\$4,900,000
TOTAL	\$4,900,000			\$4,900,000
CITY OF BUFFALO				
BUFFALO FIRE DEPARTMENT				
BFD07001 Purchase Fire Apparatus	\$1,465,900	(\$500,000)		\$965,900
BLDG11013 Fire Department Various Reconstruction/Upgrades (Buildings & Facilities)	\$240,750			\$240,750
BUFFALO POLICE DEPARTMENT				
BPD11001 City Court Prisoner Lock-up (Buildings & Facilities)	\$1,405,000			\$1,405,000
BPD11006 Renovation Police Districts (Buildings & Facilities)	\$467,858	(\$467,858)		\$0
BPD11007 Police Headquarter Renovation (Buildings & Facilities)	\$202,444			\$202,444
CULTURAL ORGANIZATIONS				
ARTS11001 Restoration and Conservation of Public Art (Bldgs & Facil.)	\$223,000			\$223,000
BECHS11002 Replacement of Windows in Pan Am Building Annexes (Buildings & Facilities)	\$53,500			\$53,500
BMOs11001 Heat Pump Replacement (Buildings & Facilities)	\$80,250			\$80,250
BMOs11002 HVAC - Lieberts (Buildings & Facilities)	\$74,900			\$74,900
KMH11011 Kleinhans Revitalization Plan (Buildings & Facilities)	\$240,750			\$240,750
SHEAS11001 STAGEHOUSE BRICK (Buildings & Facilities)	\$107,000			\$107,000
SHEAS11004 FIRE ESCAPE (Buildings & Facilities)	\$18,190			\$18,190
SHEAS11005 BOILER REPLACEMENT (Buildings & Facilities)	\$187,250			\$187,250
SHEAS11006 Sheas Emergency Generator (Buildings & Facilities)	\$100,580			\$100,580
ZOO11002 Zoo Main Animal Building Roof Repair (Engineering)	\$150,000			\$150,000
DPW - BUILDINGS				
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)	\$160,500	(\$160,500)		\$0
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)	\$64,200	(\$64,200)		\$0
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)	\$208,650	(\$208,650)		\$0
BLDG11009 City Court Emergency Generator (Buildings & Facilities)	\$342,400			\$342,400
BLDG11010 Broadway Market Improvements (Buildings & Facilities) - Citywide Asset	\$240,750			\$240,750
BLDG11023 Community Center HVAC & Mechanical Upgrades (Bldgs & Facil.)	\$197,950			\$197,950
BLDG11024 Community Center Electrical Upgrades (Bldgs & Facil.)	\$133,750			\$133,750
BLDG11025 Community Center Roof Replacements (Buildings & Facilities)	\$230,050			\$230,050
BLDG11027 Broadway Depot Roof Replacement (Buildings & Facilities)	\$107,000			\$107,000
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)	\$107,000	(\$107,000)		\$0
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)	\$535,000	(\$66,424)		\$468,576
BLDG11032 City-wide Building Improvements (Includes Lanigan Center Improvements)	\$642,000			\$642,000
BLDG11033 Downtown Ball Park (Coca-Cola Field) Reconstruction	\$188,320			\$188,320
DPW - ENGINEERING & STREETS				
ENGR06001 Citywide Infrastructure Repair/Replacement (Engineering)	\$5,146,561			\$5,146,561
ENGR07012 Emergency Bridge Repairs (Engineering)	\$457,960			\$457,960
ENGR10001 Fruit Belt Redevelopment (Engineering) - 95% match	\$90,415			\$90,415
ENGR11001 West Ferry Lift Bridge Rehabilitation (Engineering) - TIP match	\$214,000			\$214,000
ENGR11003 South Park Loop Bridge Rehabilitation (Engineering) - 95% match	\$42,800			\$42,800
ENGR11004 Elmwood Ave. (Forest to 198) (Engineering) - 95% match	\$139,100			\$139,100
ENGR11005 BNMC Phase II-B (Engineering) - 95% match	\$171,200			\$171,200
ENGR11006 BNMC Phase III (Engineering) - 95% match	\$53,500			\$53,500

2011 CAPITAL BUDGET - COUNCIL ADJUSTMENTS

ENGR11007 Erie Canal Phase III (Engineering) - 95% match		\$53,500		\$53,500
STRT08002 Streets Vehicles (Streets)		\$675,000		\$675,000
DPW - PARKS				
PRKS11001 Citywide Parks Improvements - (Includes funding for Olmsted Parks)		\$1,605,000		\$1,605,000
PRKS11002 Broderick Park Phase I, II (Parks) - Citywide Asset		\$750,000		\$750,000
PRKS11003 Citywide Tree Removal & Planting		\$1,605,000	(\$300,000)	\$1,305,000
PRKS11004 Park Vehicles and Equipment (Parks)		\$535,000		\$535,000
DEMOS & STRATEGIC PLANNING				
INSP11001 DEMOLITIONS OF BUILDINGS/STRUCTURES (Demolitions)		\$2,686,022		\$2,686,022
COUNCIL ADDITIONS				
Richmond Street Lighting (Symphony Circle to Forest)			\$300,000	\$300,000
Masten District Infrastructure Improvements (Sidewalks - Fernhill & MapleRidge Streets			\$253,632	\$253,632
\$187,632 and Reconstruction to Viola Circle Park Islands \$66,000)			\$450,000	\$450,000
Nevilly Court Field Turf Installation Project			\$400,000	\$400,000
Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line)				
North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to			\$321,000	\$321,000
include modernization of locker room area, new lockers and layout revision)			\$150,000	\$150,000
Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and				\$150,000
Landscaping)				
TOTAL	\$22,400,000	(\$1,874,632)	\$1,874,632	\$22,400,000
SUMMARY OF COUNCIL ADJUSTMENTS				
SUMMARY OF REDUCTIONS - AMENDMENT A	REDUCTIONS	ADDITIONS		
BFD07001 Purchase Fire Apparatus	(\$500,000)			
BPD11006 Renovation Police Districts (Buildings & Facilities)	(\$467,858)			
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)	(\$160,500)			
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)	(\$64,200)			
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)	(\$208,650)			
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)	(\$107,000)			
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)	(\$66,424)			
PRKS11003 Citywide Tree Removal & Planting	(\$300,000)			
SUMMARY OF ADDITIONS - AMENDMENT B				
Richmond Street Lighting (Symphony Circle to Forest)		\$300,000		
Masten District Infrastructure Improvements (Sidewalks - Fernhill & MapleRidge Streets		\$253,632		
\$187,632 and Reconstruction to Viola Circle Park Islands \$66,000)				
Nevilly Court Field Turf Installation Project		\$450,000		
Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line)		\$400,000		
North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to		\$321,000		
include modernization of locker room area, new lockers and layout revision)				
Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and		\$150,000		
Landscaping)				

2011 CAPITAL IMPROVEMENT PROGRAM BUDGET

PROJECT	2011 MAYOR'S RECOMMENDED BUDGET	COMMON COUNCIL REDUCTIONS	COMMON COUNCIL ADDITIONS	2011 COMMON COUNCIL ADOPTED BUDGET
BUFFALO PUBLIC SCHOOLS				
bps11001 Reconstruction of Various Schools (Plant Services)	\$4,900,000			\$4,900,000
TOTAL	\$4,900,000			\$4,900,000
CITY OF BUFFALO				
BUFFALO FIRE DEPARTMENT				
BFD07001 Purchase Fire Apparatus	\$1,465,900	(\$500,000)		\$965,900
BLDG11013 Fire Department Various Reconstruction/Upgrades (Buildings & Facilities)	\$240,750			\$240,750
BUFFALO POLICE DEPARTMENT				
BPD11001 City Court Prisoner Lock-up (Buildings & Facilities)	\$1,405,000			\$1,405,000
BPD11006 Renovation Police Districts (Buildings & Facilities)	\$467,858	(\$467,858)		\$0
BPD11007 Police Headquarter Renovation (Buildings & Facilities)	\$202,444			\$202,444
CULTURAL ORGANIZATIONS				
ARTS11001 Restoration and Conservation of Public Art (Bldgs & Facil.)	\$223,000			\$223,000
BECHS11002 Replacement of Windows in Pan Am Building Annexes (Buildings & Facilities)	\$53,500			\$53,500
BMOS11001 Heat Pump Replacement (Buildings & Facilities)	\$80,250			\$80,250
BMOS11002 HVAC - Lieberts (Buildings & Facilities)	\$74,900			\$74,900
KMH11011 Kleinhans Revitalization Plan (Buildings & Facilities)	\$240,750			\$240,750
SHEAS11001 STAGEHOUSE BRICK (Buildings & Facilities)	\$107,000			\$107,000
SHEAS11004 FIRE ESCAPE (Buildings & Facilities)	\$18,190			\$18,190
SHEAS11005 BOILER REPLACEMENT (Buildings & Facilities)	\$187,250			\$187,250
SHEAS11006 Shea's Emergency Generator (Buildings & Facilities)	\$100,580			\$100,580
ZOO11002 Zoo Main Animal Building Roof Repair (Engineering)	\$150,000			\$150,000
DPW - BUILDINGS				
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)	\$160,500	(\$160,500)		\$0
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)	\$64,200	(\$64,200)		\$0
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)	\$208,650	(\$208,650)		\$0
BLDG11009 City Court Emergency Generator (Buildings & Facilities)	\$342,400			\$342,400
BLDG11010 Broadway Market Improvements (Buildings & Facilities) - Citywide Asset	\$240,750			\$240,750
BLDG11023 Community Center HVAC & Mechanical Upgrades (Bldgs & Facil.)	\$197,950			\$197,950
BLDG11024 Community Center Electrical Upgrades (Bldgs & Facil.)	\$133,750			\$133,750
BLDG11025 Community Center Roof Replacements (Buildings & Facilities)	\$230,050			\$230,050
BLDG11027 Broadway Depot Roof Replacement (Buildings & Facilities)	\$107,000			\$107,000
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)	\$107,000	(\$107,000)		\$0
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)	\$535,000	(\$66,424)		\$468,576
BLDG11032 City-wide Building Improvements (includes Lanigan Center Improvements)	\$642,000			\$642,000
BLDG11033 DOWNTOWN Ball Park (Coca-Cola Field) Reconstruction	\$188,320			\$188,320
DPW - ENGINEERING & STREETS				
ENGR06001 Citywide Infrastructure Repair/Replacement (Engineering)	\$5,146,561			\$5,146,561
ENGR07012 Emergency Bridge Repairs (Engineering)	\$457,960			\$457,960
ENGR10001 Fruit Belt Redevelopment (Engineering) - 95% match	\$90,415			\$90,415
ENGR11001 West Ferry Lift Bridge Rehabilitation (Engineering) - TIP match	\$214,000			\$214,000
ENGR11003 South Park Loop Bridge Rehabilitation (Engineering) - 95% match	\$42,800			\$42,800
ENGR11004 Elmwood Ave. (Forest to 198) (Engineering) - 95% match	\$139,100			\$139,100
ENGR11005 BNMC Phase II-B (Engineering) - 95% match	\$171,200			\$171,200
ENGR11006 BNMC Phase III (Engineering) - 95% match	\$53,500			\$53,500

2011 CAPITAL IMPROVEMENT PROGRAM BUDGET

PROJECT	2011 MAYOR'S RECOMMENDED BUDGET	COMMON COUNCIL REDUCTIONS	COMMON COUNCIL ADDITIONS	2011 COMMON COUNCIL ADOPTED BUDGET
ENGR11007 Erie Canal Phase III (Engineering) - 95% match	\$53,500			\$53,500
STR108002 Streets Vehicles (Streets)	\$675,000			\$675,000
DPW - PARKS				
PRKS11001 Citywide Parks Improvements - (Includes funding for Olmsted Parks)	\$1,605,000			\$1,605,000
PRKS11002 Broderick Park Phase I, II (Parks) - Citywide Asset	\$750,000			\$750,000
PRKS11003 Citywide Tree Removal & Planting	\$1,605,000	(\$300,000)		\$1,305,000
PRKS11004 Park Vehicles and Equipment (Parks)	\$635,000			\$635,000
DEMOS & STRATEGIC PLANNING				
INSP11001 DEMOLITIONS OF BUILDINGS/STRUCTURES (Demolitions)	\$2,686,022			\$2,686,022
COUNCIL ADDITIONS				
Richmond Street Lighting (Symphony Circle to Forest)			\$300,000	\$300,000
Masten District Infrastructure Improvements (Sidewalks - Fernhill & MapleRidge Streets \$187,632 and Reconstruction to Viola Circle Park Islands \$66,000)			\$253,632	\$253,632
Nevilly Court Field Turf Installation Project			\$450,000	\$450,000
Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line)			\$400,000	\$400,000
North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to include modernization of locker room area, new lockers and layout revision)			\$321,000	\$321,000
Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and Landscaping)			\$150,000	\$150,000
TOTAL	\$22,400,000	(\$1,874,632)	\$1,874,632	\$22,400,000
SUMMARY OF COUNCIL CHANGES				
		REDUCTIONS	ADDITIONS	
SUMMARY OF REDUCTIONS				
BFD07001 Purchase Fire Apparatus				
BPD11006 Renovation Police Districts (Buildings & Facilities)		(\$500,000)		
BLDG11001 City Hall Bathroom Renovation (Buildings & Facilities)		(\$467,858)		
BLDG11002 City Hall Electrical Upgrades (Buildings & Facilities)		(\$160,500)		
BLDG11007 City Hall Front Entrance Reconstruction (Buildings & Facilities)		(\$64,200)		
BLDG11029 District Heat Plant Upgrades (Buildings & Facilities)		(\$208,650)		
BLDG11031 City-wide Building Inspection & Needs Assessment (Buildings & Facilities)		(\$107,000)		
PRKS11003 Citywide Tree Removal & Planting		(\$66,424)		
TOTAL		(\$1,874,632)		
SUMMARY OF ADDITIONS				
Richmond Street Lighting (Symphony Circle to Forest)			\$300,000	
Masten District Infrastructure Improvements (Sidewalks - Fernhill & MapleRidge Streets \$187,632 and Reconstruction to Viola Circle Park Islands \$66,000)			\$253,632	
Nevilly Court Field Turf Installation Project			\$450,000	
Lovejoy District Streetscapes (East Delevan and Clinton from Bailey Ave to City Line)			\$400,000	
North Buffalo Hockey Rink Improvements (Locker Room expansions and improvements to include modernization of locker room area, new lockers and layout revision)			\$321,000	
Genesee Gateway Streetscape Improvements (Curbs, Sidewalks, Signage, Lighting and Landscaping)			\$150,000	
TOTAL			\$1,874,632	

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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That the 2011 Capital Budget as Amended is approved and that the allocation contained in line "BLDG 11025 - Community Center Roof Replacements (Buildings and Facilities)" be first used to satisfy any shortfall on the Polonia Center Roof Replacement Project, which is currently out to bid, should such a shortfall be evident at the time the Bond Resolution is presented to the Common Council for its consideration.

Passed. -

* AYE * NO *

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FONTANA	*	1	*	*
FRANCZYK	*	2	*	*
GOLOMBEK	*		1	*
HAYNES	*	3	*	*
KEARNS	*	4	*	*
LOCURTO	*	5	*	*
RIVERA	*	6	*	*
RUSSELL	*		2	*
SMITH	*			*
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That the Common Council hereby overrides the Mayor's veto of its \$450,000 addition to the Capital Budget for the Neville Coast Field Turf Installation Project and restores said addition to the City's 2010-2011 Capital Budget.

Re Passed.

FROM THE MAYOR - EXECUTIVE DEPARTMENT

22

FROM THE OFFICE OF STRATEGIC PLANNING

#2 (Rev. 1/93) Two Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: December 20, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Abandonment/Sale
395 Amherst Street, 92' E Grant
Lot Size: 38' x 150'
Assessed Valuation: Land \$8,100.00
Total \$134,600.00
(North District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Gregory J. Nikiel of Hook and Ladder #12 Restoration, LLC, 122 East Grand Boulevard, Cheektowaga, New York 14225 to purchase the former firehouse. Mr. Nikiel intends to renovate the first floor for his remodeling/contracting business; renovate the second floor for his residence; and maintain the architectural integrity of the exterior of the former firehouse. Mr. Nikiel has submitted his plans and proof of financing for the acquisition and renovation of the former firehouse.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

An independent appraisal of the property was conducted by Mr. Walter Allen of G.A.R. Associates. He has estimated the Fair Market Value of 395 Amherst Street to be One Hundred Thousand Dollars (\$100,000.00). The City of Buffalo Appraisal Review Board concurs with the Appraiser's estimate of value.

Mr. Gregory Nikiel has agreed and is prepared to pay One Hundred Thousand Dollars (\$100,000.00). He has also agreed to pay for the title search, survey, transfer tax and recording fees.

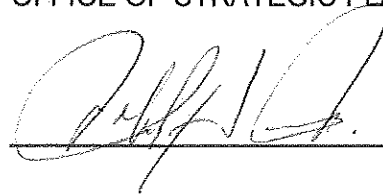
Page 2
Abandonment/Sale
395 Amherst Street

I am recommending that Your Honorable Body approve the sale of 395 Amherst Street to Mr. Gregory Nikiel of Hook and Ladder #12 Restoration, LLC in the amount of One Hundred Thousand Dollars (\$100,000.00) upon the above terms and conditions. I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck
Repsale395amherst/re



25
Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated December 20, 2010, be received and filed; and

That the offer from Mr. Gregory J. Nikiel of Hook and Ladder #12 Restoration, LLC, 122 East Grand Boulevard, in the sum of One Hundred Thousand Dollars (\$100,000.00) for the purchase of 395 Amherst Street, be and hereby is accepted upon the above terms and conditions; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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2 (Rev. 1/93) MULTIPLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: COMMON COUNCIL: DATE: December 23, 2010

FROM: DEPARTMENT: Executive

DIVISION: Office of Strategic Planning

SUBJECT: Extension of Land Disposition Agreement for
"Webster Block" for 90 days

PRIOR COUNCIL REFERENCE: (IF ANY)

CCP 8/5/2010 Item #2

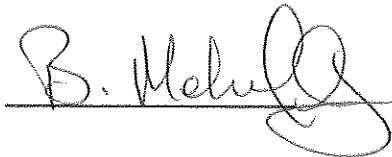
TEXT: (TYPE SINGLE SPACE BELOW)

I hereby request that your Honorable Body authorize the Mayor to execute an agreement extending the land disposition agreement entered into between the City of Buffalo and the Erie Canal Harbor Development Corporation ("ECHDC") solely for the transfer and conveyance of the property identified as parcel 6 on the Exhibit "A" of the original land transfer request filed with the Common Council and consisting of 1.9 acres, commonly known as the Webster Block, and bounded by Main Street, Perry Street, Washington Street, and Scott Street (hereinafter "the Property"). The extension agreement would allow HSBC Bank USA, N.A. until March 31, 2011 to inform the Mayor of Buffalo and the Buffalo Common Council of the selection of the Property for the construction of a new facility primarily for the professional/administrative and/or back office functions of HSBC Bank USA, NA. All other material terms and conditions set forth in the item unanimously approved by this Honorable Body on August 5, 2010 would remain the same.

DEPARTMENT HEAD NAME: Brendan R. Mehaffy, Esq.

TYPE TITLE: Executive Director, Office of Strategic Planning

SIGNATURE OF DEPARTMENT HEAD:



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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated December 23, 2010, be received and filed; and

That the Mayor be, and he hereby is authorized to execute an agreement extending the land disposition agreement for "Webster Block" for 90 days, entered into between the City and the Erie Canal Harbor Development Corporation. All other material terms and conditions set forth in the item unanimously approved by this Honorable Body on August 5, 2010 would remain the same.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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City of Buffalo

OFFICE OF STRATEGIC PLANNING
Byron W. Brown, *Mayor*

November 23, 2010

Mr. Jesse Kohler
Kohler Awning
2600 Walden Ave.
Cheektowaga, NY 14225

RE: Application for Certificate at 888 Main St.

Dear Mr. Kohler:

I am writing to inform you that the Buffalo Preservation Board *conditionally* approved your application at its November 18, 2010 meeting. Please see the attached Certificate of Appropriateness that outlines the conditions of approval. You may post the certificate at the job site and retain a copy for your records.

Please note that a Certificate of Appropriateness is NOT a building permit, and that all necessary buildings permits must first be obtained before beginning work. Please feel free to contact me if you have any questions at mbrozek@city-buffalo.com or (716) 851-5029.

Sincerely,

Michele Brozek Knoll
Senior Planner

REFERRED TO THE COMMITTEE
ON LEGISLATION.

4



BUFFALO PRESERVATION BOARD

901 City Hall
Buffalo, New York 14202
(716) 851-5029
Fax (716) 851-4388

Thomas W. Marchese, Secretary

Owner Amelia Schineller Date 11/19/10
Address 888 Main St. City Buffalo Zip 14202

CERTIFICATE OF APPROPRIATENESS

Site Address 888 Main St.
Historic District Allentown

The Buffalo Preservation Board approved the issuance of a Certificate of Appropriateness for the property listed above. The owner/contractor is authorized to perform the following exterior work:

- Install two separate retractable awnings, no more than 40" in depth, covered with woven acrylic fabric to align with storefronts.

NO DEVIATION PERMITTED: : Section 337-25 of the Buffalo Preservation Code states that it shall be unlawful to deviate from the proposed plans or any modification required thereto as approved by the Preservation Board.

COURT ACTION: Section 337-30 of the Buffalo Preservation Code states that the Corporation Counsel is empowered to seek an injunction or other appropriate court order where it appears that the owner is about to do or is doing work in violation of any of the provisions relating to the issuance of this Certificate.

PENALTIES: Section 337-32 of the Buffalo Preservation Code states that a violation is punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not exceeding fifteen (15) days. Every day of such violation may be held to constitute a separate offense.

THIS IS NOT A BUILDING PERMIT! It is the responsibility of the owner to see that all required permits are issued prior to commencement of the actual work. If a building permit is required, you must apply no later than six (6) months from the date of this Certificate.

BUFFALO PRESERVATION BOARD

MICHELE BROZEK KNOLL, Senior Planner- Historic Preservation

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: December 20, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
1879 Bailey, 213.10' N Walden
Lot Size: 30' x 120'
Assessed Valuation: Land \$2,000.00
Total \$5,000.00
(Lovejoy District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Ahmed F. Mohamed, 592 Walden Avenue, Buffalo, New York 14211 to purchase 1879 Bailey. Mr. Mohamed intends to renovate and reside at the dwelling. The estimated cost of renovations is Fourteen Thousand Five Hundred Dollars (\$14,500.00). He has provided proof of financial ability to complete the purchase and repair of the property.

The property consists of 1,366 square feet, One and one half story frame, one family dwelling in poor condition situated on a lot 30' x 120'. The property was acquired by the City through In Rem #41 in October 2007. There have been no other serious offers for the property, since being acquired by the City.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar properties in the subject area. Sales range from Two Dollars and Fifty Seven Dollars (\$2.57) to Four Dollars (\$4.75), per square foot of living area.

Mr. Mohamed has agreed and is prepared to pay Three Thousand Five Hundred Dollars (\$3,500.00), Two Dollars and Fifty Seven Cents (\$2.57) per square foot of living area for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

Mr. Mohamed has agreed and is prepared to pay Three Thousand Five Hundred Dollars (\$3,500.00). He has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 1879 Bailey Avenue to Mr. Ahmed Mohamed in the amount of Three Thousand Five Hundred Dollars (\$3,500.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck



33
Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated December 20, 2010, be received and filed; and

That the offer from Mr. Ahmed F. Mohamed, residing at 592 Walden Avenue, in the sum of Three Thousand and Five Hundred Dollars (\$3,500.00) for the purchase of 1879 Bailey, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: December 21, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
2018 Bailey, 42.60' S Doat
Lot Size: 70' x 113'
Assessed Valuation: \$7,900.00
(Lovejoy District)

The Office of Strategic Planning, Division of Real Estate has received a request from Deacon Robert E. Nevins of Bethlehem Missionary Baptist Church, 165 Doat Street, Buffalo, New York 14211 to purchase 2018 Bailey Avenue. Bethlehem Missionary Baptist Church is adjacent to 2018 Bailey. They intend to use the vacant lot for parking and recreation for their church.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The purchaser commissioned Klauk, Lloyd & Wilhelm, Appraisal Inc. to estimate the Fair Market Value of the subject property. They have estimated the Fair Market Value to be Seven Thousand Nine Hundred Dollars (\$7,900.00). The City of Buffalo Appraisal Review Board reviewed the appraisal report and concurs with the Appraiser's estimate of value.

Bethlehem Missionary Baptist Church has agreed and is prepared to pay Seven Thousand Nine Hundred Dollars (\$7,900.00) for the subject property. They have also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 2018 Bailey to Bethlehem Missionary Baptist Church in the amount of Seven Thousand Nine Hundred Dollars (\$7,900.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

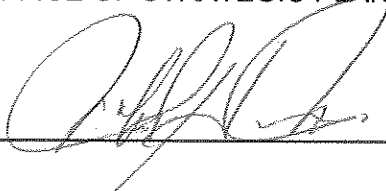
DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck

Repsaleconcur2018bailey/re



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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated December 21, 2010, be received and filed; and

That the offer from Deacon Robert E. Nevins of Bethlehem Missionary Baptist Church, 165 Doat Street, in the sum of Seven Thousand and Nine Hundred Dollars (\$7,900.00) for the purchase of 2018 Bailey, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: December 20, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
89 Jewett, 210' E Halbert
Lot Size: 30' x 75'
Assessed Valuation: \$2,100.00
(Masten District)

The Office of Strategic Planning, Division of Real Estate has received a request from Ms. Stephanie L. Randall, 91 Jewett Avenue, Buffalo, New York 14214 to purchase 89 Jewett Avenue. Ms. Randall owns and resides at 91 Jewett, which is adjacent to 89 Jewett. She intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Cents (\$.40) to Seventy Five Cents (\$.75), per square foot. Ms. Randall has agreed and is prepared to pay One Thousand Seven Hundred Dollars (\$1,700.00), Seventy Five Cents (\$.75) per square foot for the subject property. She has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 89 Jewett to Ms. Stephanie Randall in the amount of One Thousand Seven Hundred Dollars (\$1,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Reportsale89jewett/real

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

TO: THE COMMON COUNCIL: DATE: December 21, 2010

FROM: DEPARTMENT: Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale – 238 Ontario Street
 Former School No. 60
 Lot Size: 140 x 371
 Assessed Value
 Land: \$ 66,300
 Improvements: \$1,270,700
 Total: \$1,337,000

PRIOR COUNCIL REFERENCE: (IF ANY)
 Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

The Office of Strategic Planning, Division of Real Estate has received an offer from Gillian Conde, Vice-President of DePaul Properties Inc. to acquire 238 Ontario Street, former School 60.

DePaul Properties, Inc. intendsto acquire and re-develop the former School No. 60 in to Sixty (60) Affordable Housing Rental Units. Application to the Department of Housing and Community Renewal (DHCR) for project financing will be made in January of 2011 and the purchase offer is contingent upon obtaining DHCR financing.

The former school consists of a 90,000 sq. ft. four story brick building, situated on a lot having 140 feet of frontage on Ontario and parking lot off Troy Alley. The school was abandon by the City of Buffalo Board of Education in 2005 for school purposes and is in fair to poor condition.

In accordance with Article 27-5 of the City Charter, Sale by Appraisal, DePaul Properties Inc. commissioned Gerald Schmitt, Real Estate Appraiser from GAR Associates. Mr. Schmitt has estimated the Fair Market Value of 238 Ontario to be One Hundred Eighty Thousand Dollars, (\$180,000.00). The City of Buffalo Appraisal Review Board has reviewed the appraisal report and has recommended the appraiser's estimate of value.

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The purchaser has agreed to purchase the property "as is"; apply for all necessary permits and approvals for the re-development of the property; and pay for the transfer tax and recording fees. The City of Buffalo will not provide up-dated title search or survey for the property. The City will transfer the property by quit claim deed.

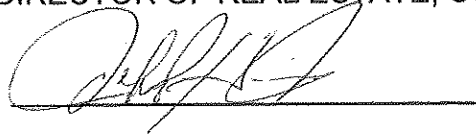
I am recommending that Your Honorable Body approve the sale of former School No. 60 located at 238 Ontario Street and the transfer of title to DePaul Properties, Inc. in the amount of One Hundred Eight Thousand Dollars (\$180,000.00) contingent upon DePaul Properties, Inc. obtaining project financing through the Department of Housing and Community Renewal.

I am further recommending that the Corporation Counsel prepare the necessary documents for the purchase and transfer of title upon the above mentioned terms and conditions and that the Mayor be authorized to execute the same.

TYPE DEPARTMENT HEAD NAME: JOHN P. HANNON, JR.

TYPE TITLE: DIRECTOR OF REAL ESTATE, OSP

SIGNATURE OF DEPARTMENT HEAD:



JPH:plg

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Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated December 21, 2010, be received and filed; and

That the offer from Gillian Conde, Vice-President of DePaul Properties Inc., in the sum of One Hundred and Eighty Thousand Dollars (\$180,000.00) for the purchase of former School No. 60 located at 238 Ontario Street, be and hereby is accepted upon DePaul Properties, Inc. obtaining project financing through the Department of Housing and Community Renewal; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and the purchaser has agreed to purchase the property "as is";

That the Office of Strategic Planning and/or the Corporation Counsel be and they hereby are authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: December 20, 2010

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
657 Woodlawn, 314' W Fillmore
Lot Size: 30' x 103'
Assessed Valuation: \$1,000.00
(Masten District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. James J. Poole and Mrs. Deborah S. Poole, 651 Woodlawn Avenue, Buffalo, New York 14211 to purchase 657 Woodlawn Avenue. Mr. and Mrs. Poole own a two family dwelling at 653 Woodlawn Avenue, which is adjacent to 657 Woodlawn. They intend to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchasers.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Five Cents (\$.45) to Sixty Cents (\$.60), per square foot. Mr. and Mrs. Poole have agreed and are prepared to pay One Thousand Seven Hundred Dollars (\$1,700.00), Fifty Five Cents (\$.55) per square foot for the subject property. They have also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 657 Woodlawn to Mr. and Mrs. Poole in the amount of One Thousand Seven Hundred Dollars (\$1,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck

Reportsale657woodlawn/real



REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

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* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
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FROM THE COMPTROLLER

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TO: THE COMMON COUNCIL
FROM: THE DEPARTMENT OF
AUDIT & CONTROL

DATE: December 27, 2010

SUBJECT: Audit Report – Division of
Treasury and Collections

Attached please find an audit report on the Division of Treasury and Collections. The audit covers the period January 1, 2010 through June 30, 2010 and examines the Division of the Treasury's processes for receiving, recording and receipting cash and cash equivalents. This review covered the Treasury's Cash Management, Internal Controls, and Trust & Agency Fund Management. It did not cover the Collections area within Treasury. This review is the first after perhaps a dozen years.

Overall, our findings were quite positive and we are encouraged by the professionalism and proficiency of the Treasury operation. It is a compliment to the Commissioner, the Director and the administration that such a vital City function is managed so well. While we did make some recommendations, it cannot be denied that this is a well run area within City Hall.

Our thirteen recommendations were specifically addressed in the Division's response which is also attached. They are in the midst of making or have already completed a number of them. The Audit found no material discrepancies in the amount of monies reported. All required records were made available to our Audit Team. This Audit represents the first comprehensive review of the Treasury Division's operations in perhaps a dozen years. It should be duly noted that the Treasury is run in a professional manner and the system of internal controls is highly effective. While there is always room for improvement, especially in light of emerging technologies, we find that the Division's methods for receiving, recording and receipting cash and cash equivalents are sufficient and afford more than a reasonable level of comfort.

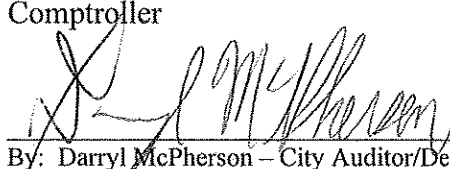
We thank the Commissioner and the Director for their cooperation with the production of the audit. We extend our appreciation for the Division's continued efficiency and make note that much of it is possible by virtue of the efforts of the retiring Treasury Administrator. Her contribution to the City of Buffalo has been truly invaluable.

If you have any further questions on this matter, please feel free to contact the Department of Audit and Control.

DEPARTMENT HEAD: Andrew A. SanFilippo

TITLE: Comptroller

SIGNATURE:


By: Darryl McPherson – City Auditor/Deputy Comptroller

REFERRED TO THE COMMITTEE
ON FINANCE.

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CITY OF BUFFALO
DEPARTMENT OF AUDIT & CONTROL

AUDIT REPORT ON THE
DIVISION OF TREASURY & COLLECTIONS

For the Period January 1– June 30, 2010

ANDREW A. SANFILIPPO
COMPTROLLER



DARRYL McPHERSON
CITY AUDITOR

DECEMBER 2010

Audit Scope

The audit covers the period January 1, 2010 through June 30, 2010 and examines the Division of the Treasury's processes for receiving, recording and receipting cash and cash equivalents. This review covered the Treasury's Cash Management, Internal Controls, and Trust & Agency Fund Management. It did not cover the Collections area within Treasury.

Description of the Division of the Treasury

The Division of the Treasury, located in Room 117 City Hall, is a Division of the Department of Administration, Finance, Policy and Urban Affairs. The City of Buffalo website lists the following description of Treasury Services:

- Receive, receipt, and deposit all monies for the City of Buffalo including but not limited to Taxes, Sewer, Water, User Fee, Parking Violations and Accounts Receivable
- Furnish monthly Statement of Condition to the City Comptroller
- Keeps accurate and separate accounts of various funds for City, Sewer Authority and Water Board
- Acts as a Trustee for Trust and Agency Investment Accounts
- Collect and maintain records of all City employee garnishees and liens and distribute all monies as specified by the Courts

Personnel

The Division of the Treasury is comprised of a Director, an Administrator, an Assistant Administrator, and a staff of 14.

Audit Approach

1. Gaining an overall understanding of Treasury activities, including internal controls, through interviews with the Treasury Administrator and the Assistant Treasury Administrator
2. Selection of 21 Test Dates from the Audit Period January 1 – June 30, 2010
3. Detailed examination of Sample Date payments through review of Treasury teller tape totals, and corresponding source documents, including verification that payments are accurately reflected in the various revenue source databases, e.g. Tax, User Fee, Parking, Permits and Licenses
4. Observation of Teller activities
5. Review of Chief Teller's activities
6. Overview of Pay and Display Parking Meter Revenue
7. Detailed review of bank deposit slips prepared for cash and checks taken in at the Treasury Teller Room in City Hall deposited via Dunbar Armed Guard into the City of Buffalo's Cash Clearing Account at M&T Bank

8. Detailed review of disbursement of funds from the Clearing Account into the appropriate Fund specific Bank Accounts
9. Audit of Trust & Agency Funds
10. Count of Year End Cash on Hand June 30, 2010

Treasury Operations Overview

Receive, receipt, and deposit all monies for the City of Buffalo including but not limited to Taxes, Sewer, Water, User Fee, Parking Violations and Accounts Receivable.

There are several avenues available for customers to pay bills owed to the City, i.e. City Hall, Lockbox, American Water, and Internet.

PAYMENT LOCATIONS

Type of Payment	Lock Box via mail	City Hall in person, online, via mail	American Water in person, via mail	Internet
TAX PROPERTY	Y	Y	N	Y
TAX SEWER	Y	Y	N	Y
USER FEE	Y	Y	N	Y
WATER	Y	Y	Y	Y
PARKING	Y	Y	N	Y

PAYMENT DUE DATES

Type of Payment	Period	Due Date
TAX PROPERTY	Semi-annual	31-Jul , 31-Dec
TAX SEWER	Annual	30-Sep
USER FEE	Quarterly	16-Aug, 16-Nov, 16-Feb, 16-May
WATER	Quarterly	Varies Depending on Area of the City
PARKING	Variable	

Payment locations:

City Hall Treasury: Tellers accept payments. Each business day, Dunbar, an armed guard service, picks up the daily cash and checks for deposit into an M&T Bank Clearing Account.

Lockbox Receipts: Mailed City Invoices contain return payment envelopes with Post Office Box numbers which correspond to Types of Payments, e.g. User Fees, Taxes and Parking. M&T Bank processes lock box payments. The cash and checks are deposited into the City of Buffalo's M&T Bank Clearing Account. The payments are scanned and an electronic file is created which is transferred to the City of Buffalo Management Information Systems Department (MIS).

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American Water: Water payments are made in person and by mail to American Water located on Exchange Street. American Water acts a payment processor for the City of Buffalo. Similar to the Treasury, each business day American Water prepares a deposit of cash and checks which Dunbar, an armed guard service, picks up and deposits into the City of Buffalo M&T Clearing Account. Effective July 1, 2010, the City has replaced American Water with a new service provider named Veolia. American Water handled the water payments during the Audit timeframe.

Internet Payments: Payments can be made through the internet. Customers can access the payment screens through the City of Buffalo website. A credit card merchant bank deposits the payments into the M&T Internet Clearing Account.

Payment Data Capture in Management Information Systems (MIS) Department:

Payment detail is sent from the M&T Lockbox, American Water and the Internet Merchant Bank to MIS which enables updating of the Receivables database.

Next Day Reporting and Movement of Funds: The business day following the deposit, the Treasury staff summarizes the prior day's receipts from all payment locations. MUNIS journal entries are entered to record the Cash Deposit and the corresponding reduction in the accounts receivable. The Chief Teller prepares checks written on the Clearing Account to move money into the bank accounts set up for specific funds. These processes are depicted in Diagrams 1-3 which follow.

Diagram 1

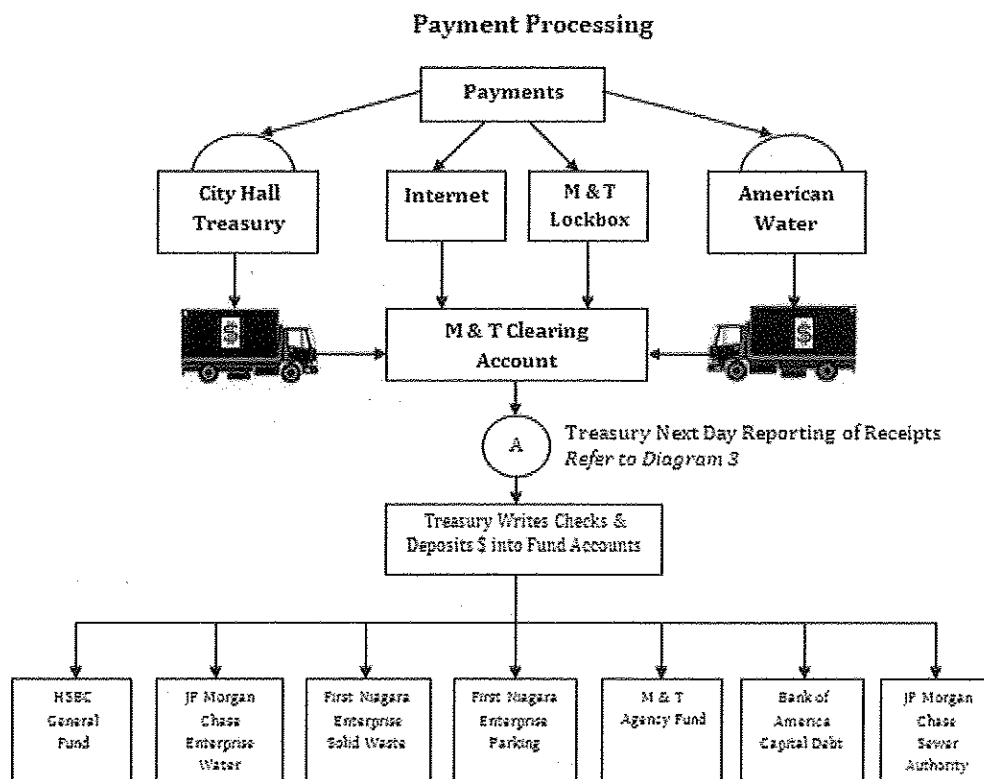


Diagram 2

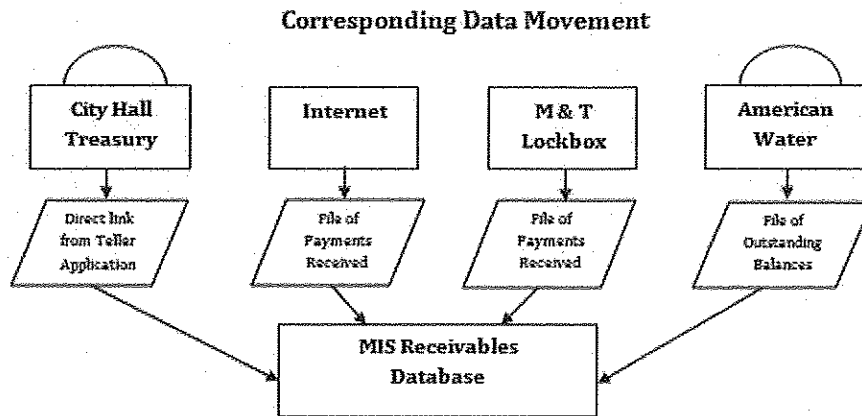
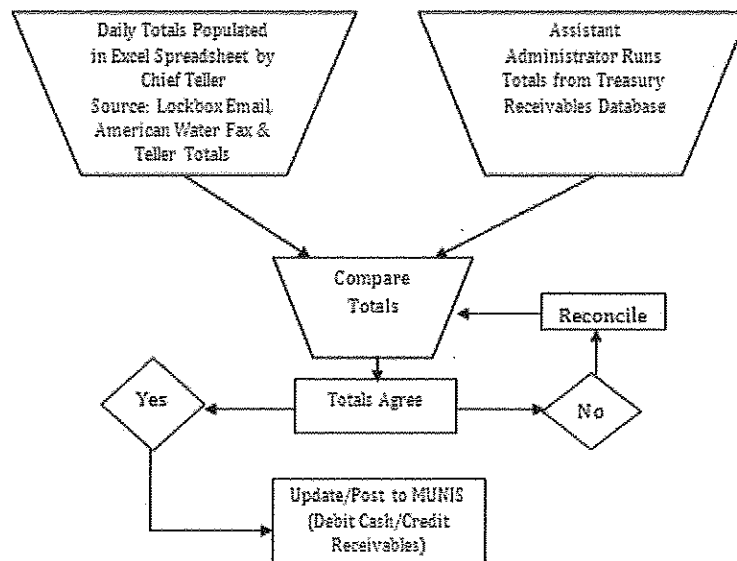


Diagram 3

Treasury Next Day Reporting of Receipts

Refer to placement of (A) in Diagram 1

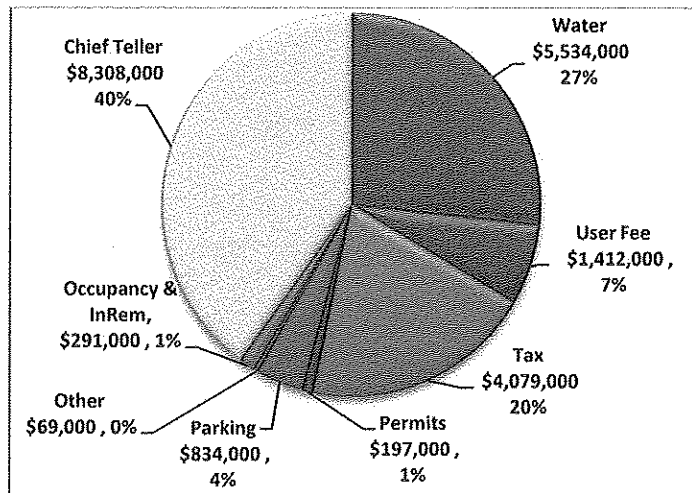


Audit Sample

There were 124 business days in the Audit time period, January 1 through June 30, 2010.

Audit Sample Data	
Treasury Business Days during Audit Period	124
Audit Sample Days	21
% of Days in Sample	17%
Confidence Level	95%
Margin of Error	5%
Clearing Account Deposits in Audit Period (\$ in Millions)	\$ 120
Clearing Account Deposits from Sample (\$ in Millions)	\$ 20
% of Clearing Account Deposits in Sample	17%

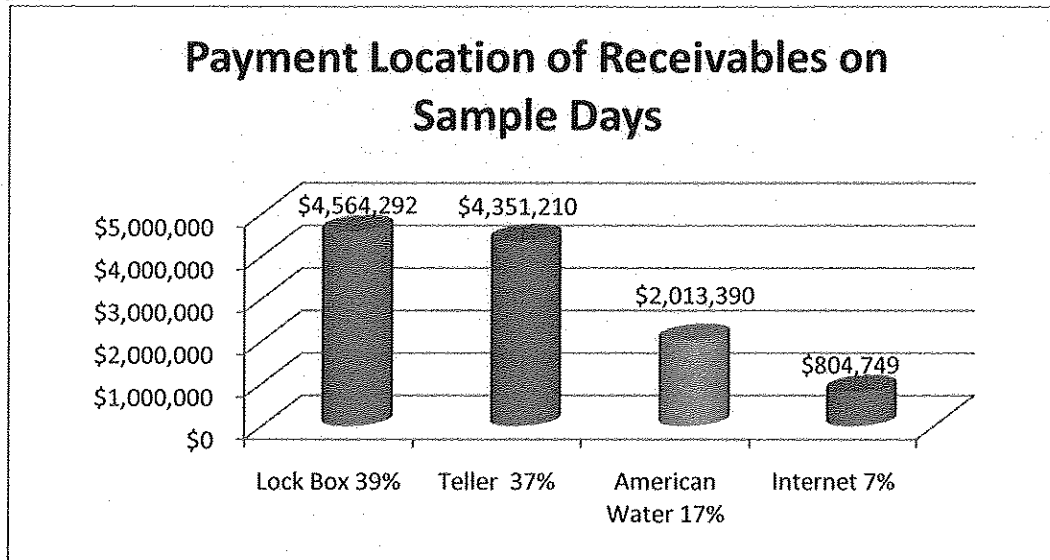
Payment Types within the Sample Data



Tax payments as a percentage of the Total is lower than one might expect. This is due to the Audit timeframe, January through June. Tax payment due dates fall in July and December; months that are not in the Audit timeframe. The Chief Teller work will be discussed later in the audit.

The following graph depicts the amount of payments processed at various payment points. Data pertains to payments to a particular receivable, i.e. Taxes, Water Bills, User Fees, Parking Summonses, on the sample dates in the Audit. It excludes the Chief Teller's activity. A

significant percentage is processed by the Treasury Tellers. This percentage is affected by the volume of payments which the Lockbox is unable to process for various reasons, e.g., missing payment stub.



Testing

Testing consisted of a detailed examination of payments through review of teller tape totals and a corresponding review of original source documents. The testing verified that payments are accurately reflected in the various Revenue Source Databases, e.g. Tax, User Fee, Parking, Permits and Licenses.

Tax Payments made in Treasury Teller Room:

Test Date: 1-5-2010

Teller Number 25

Tax Receipts Total: \$210,845.72

The \$210,845.72 corresponded to payments on 415 accounts. The actual pay date was December 30, 2009 for \$200,877.97. These payments were received prior to the Tax deadline for second half taxes and, though applied on January 5, 2010, are listed as paid on December 30, 2009.

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The source document consisting of a bill with a payment validation stamp indicating the sequence, teller number and amount remitted was examined in the Assessment and Taxation Department. All original receipts are returned to the originating department by the Treasury Division. The physical source document was in order and the Tax History Database reflected the record of the payment. The tax history for many of these payments reflects a credit to interest which was removed due to the lag between the payment date and the processing date. This programmatic adjustment is necessary at year end when mail is received near the deadline and payment volume carries the processing beyond the deadline. (See Tax History Database example below.)

Tax History Database

Payments

2009

Type Cd	Pay	Batch	Pay Type	Batch Date	Seq No	Teller No	Adj Cd	Amount	System Date
TH	001	0	FHI	7/15/2009	7007	TR61		456.63	7/15/2009
TH	002	0	SRT	7/22/2009	7388	TR61		86.87	7/22/2009
TH	003	0	SHI	1/5/2010	79	TR25		456.63	1/5/2010
TH	004	0	SHI	1/5/2010	9999	SYST	BL	-13.7	1/5/2010

Exit

This Tax Payment for Second Half Taxes was received prior to Dec 30, 2009. The Payment was not processed until Jan 5, 2010.

A late fee was removed programmatically by the City of Buffalo MIS department.

This is evident in the Tax History Software.

The Treasury Receivables database clearly shows the pay date as 12/30/2009. The Tax History Database does not show the 12/30 date

Sample of User Fee Payments made in Treasury Teller Room

Test Date: 3-19-2010

Teller Number: 85

User Fee Receipts Total: \$76,575.52

Teller 85 represents payments received from escrow activity or City In Rem distribution business. The payments are summarized in a data file and applied programmatically by the MIS Department to the receivables database. The source document tested was created in the Treasury Division office. It consisted of two purchase orders in the amount of \$60,678.74 and \$15,896.78, respectively, which were used to pay User Fees for In Rem 43 properties. These two dollar amounts were verified using the Treasury Daily Journal along with the User Fee software where payments are then applied to the properties after the payment to the Treasury has been made. The audit team found no discrepancies on how payments were applied using a random selection of the payments.

Sample of Parking Fee Payments made in Treasury Teller Room

Test Date: 3-05-2010

Teller Number: 33

Parking Summonses Receipts Total: \$6,640.80

To note, a grand total of \$42,796.90 in parking revenue was recorded into the Treasury on March 5, 2010. We examined the dollar amount reported on the Teller Batch Report for Teller 33 in the amount of \$6,640.80. The batch for Teller 33 had 123 actual parking infractions. All transactions done by this teller were audited for compliance using the Treasury Daily Journal and the Parking Enforcement software. On occasion a ticket may be paid before it is recorded in the Parking System; an example would be a ticket issued outside City Hall which is paid immediately. The payment is accepted by the Teller before the receivable is in the system. It is entered in the Treasury Journal as a "dummy ticket". The ticket is subsequently entered in the Parking Database. All parking tickets taken in by this Teller matched the summons number that was input by the Parking Enforcement Division personnel. There were no discrepancies in money received and money applied.

Sample of Lock Box Payments

Test Date: 1-05-2010

Teller Number: 61 Lockbox

Tax, User Fee and Parking Receipts Total: \$1,604,235.65

A sample of tax payments, parking summonses and user fee payments made into the City of Buffalo's lockbox location were tested. The City water payments by customers to the lockbox location were not tested on the Oasis software. Verification of receipts of payments applied to individual properties revealed no discrepancy in the tax history software and user fee software. Parking summons paid through the lockbox include a \$15.00 surcharge that is added on to the initial charge of the infraction. All payments audited in the sample were applied properly, including the surcharge amount.

Observation of Teller Activities

The Treasury is located on the first floor of City Hall. The Teller room where payments are made is staffed by 4 to 6 tellers and a Chief Teller. The Bank Room is open from 8 AM through 5 PM Monday through Friday excluding holidays. An armed City of Buffalo police officer is present in the Treasury during all hours of operation.

Tellers process payments from customers in person and those received through the mail. The payments are recorded on the Treasury Receivables Teller Application. Payments received via the mail are processed by the Tellers intermittently when few or no customers are in line. While exact numbers are not available, mailed-in payments seemed to outnumber the walk-in customers on the day observed. On the day of teller observation, customers seemed somewhat confused as to which Teller was open for business, unless a call out for "next" was heard by the

60
customer. When a Teller is dedicated to processing mail, signage should indicate they are closed.

The customer presents the Teller with a bill which enables the teller to display what has been billed. If the customer does not have a bill, they are directed to obtain one from the respective department, e.g. Assessment for Taxes, Parking Violations for Parking Tickets etc. It should be noted that if a customer does not verify the name and address when receiving this duplicate bill, they could be paying for someone else's bill. This almost was the case on the day of teller observation in July. On the day observed, a person presented a tax bill for payment, and the amount did not agree with the customer's payment expectation. Through conversation with the teller, it was learned that the tax payer did not receive the correct bill when obtaining a duplicate bill. The Teller told the individual to return to Assessment for the correct tax bill. We recommend address verification be required before Assessment prints a duplicate bill.

The Tellers start the day with a \$50 bank from which change can be made for transactions during the day. Each Teller is responsible for verifying this initial bank prior to customers being waited upon. The Teller then signs into the Treasury Payment System which enables the employee to begin the current day's activities. Every payment transacted requires a validation stamp onto the bill by a "validator" machine. The stamp prints payment type, teller number, amount remitted, account number, date and time onto the bill. The Treasury software allows the teller to input the amount given by the customer and calculates change if any is due. The amount paid and the amount to return to the customer is also manually written down on the bill aiding in the internal control of returning change to the customer.

The Teller is responsible for counting the cash three times before completing the transaction. All denominations over \$50.00 are also checked for counterfeit using a felt tip marker. If a citizen pays with a check, the teller uses the "endorse" key which prints "payable to the City of Buffalo" on the back of the check. Credit card payments are only accepted by the Teller for parking summonses that have a suspension put on the individual or if the car had a boot placed on the tire. For customer convenience, credit card payments are accepted at an online computer terminal located at the front of the Treasury for any payment due to the City. A \$2.00 fee or 2% of the total transaction is charged to the cardholder for this service.

At the time of reconciling the cash drawer, the Teller prints out a summary of their day's business. The summary presents a cash total, check total, credit card total. The Tellers fill out a daily paper report where cash denominations are tallied, checks are totaled and a comparison is made to the Teller Closeout Tape. If the amounts agree, the Teller closes out and prepares a deposit slip. Any voided transactions that occurred during their shift need a supervisor's override and an explanation as to why the transaction was voided. The deposit slip is wrapped around the deposit of cash and checks, secured with a rubber band and placed in the Daily Deposit Bag in the Safe. The invoices paid throughout the day are separated by the Teller and a batch description header sheet is completed with a calculated total representing what was paid by revenue source. All paperwork is then given to the Chief Teller for processing.

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During the audit time frame there were a total of five occasions on which a Teller was short or over. On such occasions the Division of Audit is contacted. The cash and checks are recounted by the auditor and the shortage or overage is documented. The Treasury Administrator meets with the Teller to review the day's business in an effort to identify the transaction(s) which caused the out of balance condition. A review of Teller memory is initially used by the supervisor to help recall any potential problematic transactions.

The security cameras used in the Treasury monitor each Teller separately and are used to provide additional proof when shortages or overages exist. To note, during the course of the audit a Teller was over \$85. The Teller recalled a potential transaction that may have been the cause of the overage to the supervisor. Security cameras were reviewed and showed a customer paying \$5,300. The transaction showed change due of \$85. The \$5,300 dollar amount was recorded in the Teller software and on the paperwork retained, but the change of \$85.00 was not written down as procedure calls for. The cameras provided adequate proof that showed the customer was given a receipt, but no change. The customer was notified and the error corrected.

Role of the Chief Teller

The Chief Teller receives payments from various City functions and departments. The Chief verifies that the payment matches MUNIS batch amounts entered by the originating department, posts the batch into MUNIS and deposits the payment via the Dunbar armed guard service. Several departments accept payments directly from customers, however these departments follow the same deposit procedure in the Treasury, *i.e.*, a MUNIS batch is created by the department and the day's receipts are brought to the Chief Teller for deposit. The City Clerk's office is one such department. Other departments prepare the MUNIS remittance document yet the customer pays the Chief Teller directly, such an example is revenue received from the Department of Permit and Inspection Services. The Chief also receives and deposits non-Treasury Journal accounts receivable payments, such as Utility rebills. The Chief Teller work area is separate from the Teller work area and has 3 PCs dedicated to City department business, Towing, and Permits respectively. Money taken in by the Chief is deposited daily along with the Tellers' deposits.

Permits

Permit applications are entered into the Hansen System. The Permit and Inspection Services Department located on the third floor of City Hall prepares a remittance document given to the applicant. Some permits are processed through the Engineering Division in a similar manner. The permit applicant pays the Chief Teller in the Treasury. The Hansen transactions are imported into MUNIS. Permit Revenue from the 21 sample days totaled \$197,000. Permit activity was reviewed in Hansen from a sample date. Transactions matched in Hansen and MUNIS and on the Treasury Deposit. Hansen and MUNIS permit payments are reconciled daily by the Chief Teller.

Licenses

The City of Buffalo requires valid licenses to operate various businesses within the City. License payments are made directly to the License Office located on the third floor of City Hall. The Account Clerks in the License Office prepare individual deposits of the cash and checks received. The money is recorded in the Peak System and imported into a MUNIS Batch. The deposits and MUNIS payment proof are brought to the Chief Teller and are posted in the Chief's Journal entry. License revenue on the day sampled totaled \$6,287. MUNIS License payments are reconciled daily by the Chief Teller.

Testing of Chief Teller's Direct Deposits:

The Chief Teller processes MUNIS journal entries to record interfund movement of cash. Two examples follow:

Interfund: Agency Fund Payable to General Fund Receivable. The City Accountant sent a memo to the Investment and Debt Management Officer requesting a wire transfer of funds from an Agency Fund Bank Account to the General Fund Bank Account. The Wire was processed by a Senior Accountant in the Investment and Debt Management Division. The Senior Accountant prepares a payment proof in MUNIS which is brought to the Chief Teller who posts this batch in their City Business Journal. The Senior Accountant had all support documents filed and readily available for this audit.

Interfund: Sewer Authority Operating Fund to Sewer Authority Checking Account. The Sewer Authority Supervising Accountant made an online transfer of 1 million dollars from the Sewer Authority Operating Fund Bank Account to the Sewer Authority Checking Account to cover payroll and accounts payable. The Sewer Authority Supervising Accountant prepares a payment proof in MUNIS which is brought to the Chief Teller who posts this batch in their City Business MUNIS Journal Voucher. The Supervising Accountant had all support documents filed and readily available for this audit.

Parking Meter Revenue:

Pay and Display Parking Meter payments are made with coin or credit card. Parking coin is picked up from the Pay and Display boxes and from the old meters. These secure locked boxes are brought to the Treasury Teller area where they are opened and the coins emptied into large plastic bags which are picked up by Dunbar. The coin is counted by Dunbar and deposited in the M&T Clearing Account. The amount of coin is emailed to the Treasury Chief Teller and Administrator. This amount is entered in MUNIS with a Journal entry. An Administrative Clerk in Parking Enforcement runs a report with Chase Paycheck which identifies the credit card payments made at the Pay and Display machines. This individual creates a payment proof in MUNIS which is given to the Chief Teller who posts the journal entry in MUNIS. There may be a lag in posting this revenue. As an example, the Parking Meter credit card revenue reported as received on June 18 was related to credit card transactions from June 16 and June 17. Ideally the MUNIS Parking Meter Credit Card Revenue entries would be made in a more real time manner.

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The monthly HSBC Bank reconciliation performed by the Accounting Division captures all Pay and Display credit card activity which is then reconciled to MUNIS.

Reporting Duties of the Chief Teller

The Chief Teller is also responsible for assembling and populating the Excel Daily Revenue Worksheet. This worksheet provides a summation of all Treasury receipts on a particular day which includes the Chief's work, the Tellers' work, the Lockbox and American Water.

Detailed Review of Bank Deposit Slips

The daily Treasury deposit is picked up by the Dunbar Armed Guards during mid afternoon. The deposit is comprised of the individual teller deposits and the Chief Teller deposits of batches closed that day. A spreadsheet is maintained by the Chief Teller which represents this "bag" deposit.

Tellers typically open a new batch in the afternoon subsequent to the Armed Guard pick up. Tellers keep the afternoon batches open at end of day and resume processing the same batch the next day. Money received during the afternoon becomes part of the next day's batch and therefore part of the next day's deposit. At month end or on payment deadline dates, e.g., User Fee deadline February 16, 2010, the afternoon batches are closed at the end of the day to assure the payments are shown paid by the due date. On such occasions the Teller closes their batch and the activity is shown as part of the "bag" deposit when in fact it will be part of the next day's deposit. Effort should be made to make these timing differences evident to any report users. The report should show any closed, but not deposited money as "Cash In Transit". There should be no differences between the "bag" deposit and the Armed Guard deposit. Amounts listed as deposited should represent only cash actually deposited.

We reviewed the deposit slips for 11 days during the audit period. Sixty-four percent of the days matched the daily "bag" deposit total shown on the Clearing Account Balance, a Treasury worksheet. On 4 of the 11 days (or 36%), the amounts shown as the "bag" deposit did not agree to the deposit log signed by the Dunbar Armed Guard. The differences were researched and it was demonstrated that the difference was attributable to a deposit held until the next day due to timing. Adding a Cash in Transit line in the report should eliminate these differences.

Detailed Review of Checks Drawn on Clearing Account to Disburse Into Fund Accounts

The same 11 days reviewed for deposit into the Clearing Account were then reviewed for movement of money into the appropriate fund accounts. The next business day following the reporting of the deposit into the Clearing Account, payments are summarized and fund amounts are identified. The Chief Teller prepares checks payable to the City of Buffalo or the Buffalo Sewer Authority drawn on the M&T Clearing Account. These checks are signed by the Director

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of the Treasury and are then deposited via courier or directly by Treasury personnel into fund specific accounts maintained at HSBC, JPMorgan Chase, First Niagara and M&T Banks. Checks typically clear one to two days after deposit into the Fund accounts. However, there is already the one day lag in writing the checks on the previous day's receipts. As an example, for payments made in the Treasury on a Friday, the fund checks are not drawn until Monday and due to the physical writing and subsequent deposit of the checks, the money may not clear into the General Fund account for up to five days. Cash availability in the funds can be accelerated through adoption of an online ACH payment system which will replace the use of checks to transfer money from the Clearing Account into the Fund accounts.

The Treasury reviews the M&T Clearing Account on a daily basis. One of the checks written in the 11 day sample cleared for an incorrect amount. The check was written for \$50,000 more than what it cleared, (check # 19330 written 3/19/10 Amount \$51,941.49, cleared 3/23/10 Amount \$1,941.49). Treasury documentation from the date indicated the bank made an error and corrected it the next day on March 24, 2010. This correction is evident in the bank statement. The Treasury reconciles the Clearing Account on a daily basis. The implementation of ACH fund transfer will reduce the opportunity for bank data entry error inherent in check clearing. Accuracy will be assured by the dual review of the transfer prepared by a Treasury Administrator and authorized by the Treasury Director.

Trust and Agency Funds

The Director of the Treasury has responsibility for all Trust and Agency Funds. Agency funds are used to account for money and property received and held by the City in the capacity of custodian. Agency Funds in fiscal year 2010 equal \$1.4 Million. One of the largest components is associated with Prisoner Property. During the Fiscal Year certain General Fund revenue is temporarily booked to an Agency account, but is ultimately due to the General Fund. One such account is Court Ordered In-Rem payments. In these cases the court may require the delinquent tax payer to make incremental payments on the amount owed.

Due to system constraints, these incremental amounts cannot be applied in the Tax System. Instead, the payment is recorded in an agency account until it equals the amount owed for a specific component of the taxes billed, e.g. Tax Arrears Interest, Tax Arrears 2009. The tax payer must stop at the Department of Assessment and Taxation to obtain a Treasury receipt pay in form. This form is presented to the Teller in Treasury along with the partial payment. This process will no longer be necessary when payment of Tax Receivables is implemented in MUNIS scheduled for early 2011. The MUNIS system will allow partial payment on Tax Receivables.

Treasury is also working to stream line the number of Agency Accounts and is in the process of closing several inactive accounts.

Trust Funds: The Director of the Treasury is also the custodian of monies given to the City to be held in trust for specific purposes. The principal of these trust funds totals approximately

\$94,000. There are six trusts. The largest is the Forsyth Park Trust which is invested in two Certificates of Deposit with terms of 5 years and ½ year respectively.

Year End Cash on Hand in Treasury

On June 30, 2010, an Audit of Treasury Cash on Hand was conducted by the Division of Audit. A team of auditors counted and verified the total of five Tellers' receipts including the Chief Teller as well as the Treasury safe cash. It should be noted that a total of \$77,585.13 in cash and \$726,050.19 in checks was physically counted by the audit team bringing the total cash on hand to \$803,635.32 of which \$17,000.10 was cash in the Treasury safe. A total of four Tellers were completely in balance, while one Teller was over \$20.00.

Internal Controls

A proper Segregation of Duties is evident in the Treasury Division's processes. A ready example is the inability of Tellers to void transactions. A Treasury Supervisor or Administrator must void the transaction. The Receivables database maintains a detailed record of any voided transaction. The Teller transactions are numbered and the voided transaction is retained in the count.

There are also many cross checks in the Treasury Division's processes. The computerized Teller application produces Daily Batch Total reports which correspond to the Teller Deposits. The Deposit Totals are summarized by the Chief Teller on a Daily Balancing Sheet. These amounts are then confirmed by the Assistant Administrator in checks with treasury journal reports and in checks with the bank account's prior day activity report available online.

Internal control over the bank account is assured through control of the physical checks issued on the Clearing Account. The checks are prepared by the Chief Teller and the Treasury Director's signature is required on all checks.

The monthly Bank Reconciliations for the clearing account and internet account are done by the Treasury Administrator and Assistant Administrator. As noted in the Audit recommendations, the Bank Reconciliation makes use of a "plug" number. This plug should be eliminated. These reconciliations should be independently reviewed by the Division of Accounting on a monthly basis.

Internal Control is enhanced through the presence of closed circuit cameras in the Treasury Teller area. The cameras have numerous views and allow detailed review of Teller transactions. The Assistant Treasury Administrator makes frequent use of the review capability. Although the Treasury Safe is covered by closed circuit cameras, the combination has not changed for several years.

In the event of a Teller shortage or overage greater than \$20, the Treasury Administrator contacts the Division of Audit to review the Teller's deposit and the Teller Batch Total Report. The Auditor documents the out of balance condition on a form which is signed by the Auditor and the

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Teller. An overage is deposited and recorded in a Trust and Agency liability account. A shortage is expensed and the Treasury deposit is reimbursed for the shortage.

Recommendations

1. Money processed through the Lockbox should be processed into the respective Fund Bank Account in a timelier manner.
2. The current method of issuing checks from the Clearing account should be replaced with an online ACH payment system. This will require original ACH entry to be completed in two steps. Step one should have an Administrator or Chief Teller in the department logon to a bank web site and complete a preloaded ACH template (the templates should have fields locked to assure that only City of Buffalo accounts can send and receive funds; free form ACH should not be allowed). Step two, authorization, should be completed by the Director of the Treasury or someone who has signature rights on the account (e.g., the Commissioner of Administration, Finance, Policy and Urban Affairs, the Comptroller or one of his authorized designees.)
3. Using separate Journal Entries for Lockbox, American Water, and Treasury would create a record of processing locations in the Ledger, thereby yielding a better audit trail within the Ledger.
4. The Daily Revenue reports should identify Cash in Transit when the "bag" deposit is not equal to the armed guard bank deposit due to timing differences caused by month end and payment deadlines. For example, Teller Batches on the final due date of a bill are closed at end of day after the armed guard pickup. Currently the Revenue Report may show a deposit amount containing a portion held for the next day's deposit; this amount should be shown separately.
5. Treasury should explore the possibility of automating next day Journal Entries in MUNIS.
6. MIS should adjust the Teller screens to capture the Treasury Supervisor's name or log-in ID on all voided transactions.
7. Treasury Supervisors with administrative privileges to void Teller transactions should document the reason for the void. This information could be captured within a field on the Teller screen.
8. Signs directing customers to various payment locations within the Teller Area on the first floor of City Hall is confusing in its placement. Some are eye level, foot level or waist level and should be revamped to provide clear and consistent directions. Also any hand written sign should be replaced with professionally produced versions. Flow into the Treasury Room by citizens should begin with the first Teller accepting payments except on days when high volume is anticipated.

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9. Security personnel provided by the Buffalo Police Department should have a stronger visible presence in the Treasury Teller Room. This could be achieved with an elevated platform overlooking the Teller cage to protect against any potential security breaches.
 10. The M&T Clearing Account Reconciliation is done by the Treasury Administrator. The reconciliation makes use of a small plug number to balance. The reconciliation methodology should eliminate this plug. The Clearing Account Reconciliation should be reviewed by the Accounting Division on a monthly basis.
 11. The reasons for Lockbox and American Water rejects should be examined and measures to eliminate these rejects should then be initiated.
 12. As an added internal control, the safe combination should change when any personnel with access to the combination leaves employment in the Treasury Division.
 13. The Treasury Director expressed a desire to develop a written Policies and Procedures Manual. High priority should be given to this initiative.

Summary

The Audit found no material discrepancies in the amount of monies reported. All required records were made available to our Audit Team. This Audit represents the first comprehensive review of the Treasury Division's operations in perhaps a dozen years. It should be duly noted that the Treasury is run in a professional manner and the system of internal controls is highly effective. While there is always room for improvement, especially in light of emerging technologies, we find that the Division's methods for receiving, recording and receipting cash and cash equivalents are sufficient and afford more than a reasonable level of comfort.

Afterword

An Exit conference took place on December 21, 2010. The management team for the Treasury was quite enthusiastic about the results of the audit. They were very forward thinking regarding the recommendations and have initiated, and completed, some of them before this report was finalized. The Treasury is receptive to further automation and there are significant changes coming in early 2011 as Tax and User Fee Payments are integrated into MUNIS. There are opportunities for significant reduction to manual processes involved in daily Treasury reporting through efficient spreadsheet design. Their written response is attached hereto and made a part hereof. We thank the staff and management of the Division of Treasury and Collections for their professionalism and cooperation.



CITY OF BUFFALO
DEPARTMENT OF
ADMINISTRATION, FINANCE & URBAN AFFAIRS



BYRON W. BROWN
MAYOR

JANET PENKSA
COMMISSIONER

MICHAEL A. SEAMAN
DIRECTOR OF TREASURY AND
COLLECTIONS

December 24, 2010

Andrew Sanfilippo, Comptroller
Department of Audit and Control
Room 1230 City Hall
Buffalo New York 14202

Dear Comptroller Sanfilippo:

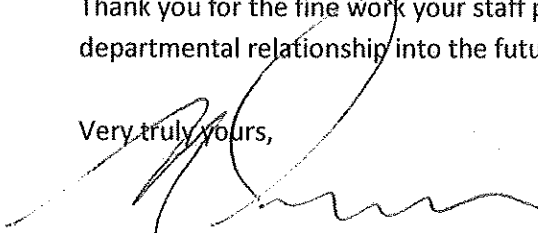
I am quite proud of the Audit conducted by the Department of Audit and Control for the period January 1, 2010 through June 30, 2010 that examined the Division of Treasury's processes for receiving, recording, and receipting cash and cash equivalents. This review covered the Treasury's Cash Management, Internal Controls and Trust & Agency Fund Management.

On Tuesday, December 21, 2010, Commissioner Penksa, Debbie Renzoni, Mary Comerford and I met with Darby Fishkin, Darryl McPherson, Ann O'Donnell and Frank Barrile of your staff, for an exit conference to discuss both their findings and our comments. Many of the recommendation impinge on the work of the Department of Management Information Systems. (MIS) Treasury staff has met with Raj Mehta and Paul Springer of MIS to examine the recommendations that require their assistance and have been assured the recommendations will be completed in the next update of the Treasury Teller System. I have instructed my staff to keep the Division of Audit apprised of these changes as they occur and if there is any delay.

At the completion of the meeting with your staff, we were asked to submit our comments to you so that this Audit could be filed with the Common Council. Attached please find our written response to the Division of Audits recommendations.

Thank you for the fine work your staff performed and I hope we continue our successfully Inter departmental relationship into the future for the good of the City of Buffalo.

Very truly yours,


Michael A. Seaman

Director of Treasury and Collections

Cc: Janet Penska, Commissioner of Administration, Finance, Policy and Urban Affairs

1. Money processed thorough the Lockbox should be processed into the respective Fund Bank account in a timelier manner. **Response: Recommend MIS Import the days Lock Box @ 3:30 each day rather than the following morning after 8:00 am. Discussed this 12/14/10 with Raj Mehta, Director of MIS & Paul Springer, MIS Systems Analyst, assigned to Treasury, it will be imported on the day Lockbox process expediting the posting by at least 24 hours. The money cannot be directly imported into the respective fund accounts because one portion of every three tax bills is not General Fund, it is Sewer and approximately 50% of most water bills are Sewer funds.**
2. The current method of issuing checks for the Clearing account should be replaced with an online ACH payment system. This will require original ACH entry to be completed in two steps. **Response: Completed. Changed 12/8/10.**
3. Using separate Journal Entries for Lockbox, American Water, and Treasury would create a record of processing locations in the Ledger, thereby yielding a better audit trail within the Ledger. **Response: It was agreed that this will be postponed until the New MUNIS Receivable system for Tax, Sewer and User Fee is launched in early 2011. The new MUNIS system should be able to accommodate this recommendation.**
4. The Daily Revenue reports should identify Cash in Transit when the "bag" deposit is not equal to the armed guard bank deposit due to timing differences caused by month end and payment deadlines. For Example, Teller Batches on the final due date of a bill are closed at end of day after the armed guard pickup. Currently the Revenue Report may show a deposit amount containing a portion held for the next day's deposit; this amount should be shown separately. **Response: Completed 12/24/10.**
5. Treasury should explore the possibility of automating next day Journal entries in MUNIS. **Response: In our exit Conference, it was agreed that currently there is not a viable option to accomplish this at this time.**
6. MIS should adjust the Teller screens to capture the Treasury Supervisor's name or log-in ID on all voided transactions. **Response: On 12/14/10 we discussed with MIS Director, Raj Mehta to make this change. He said that it will be completed in the new version of the Teller System they are working on at this time.**
7. Treasury Supervisors with administrative privileges to void Teller transactions should document the reason for the void. This information could be captured within a field on the Teller screen. **Response: Again, on 12/14/10 we discussed with MIS Director, Raj Mehta to add a comment field to accommodate this change. He said that it will be completed in the new version of the Teller System they are working on at this time.**
8. Signs directing customers to various payment locations within the Teller Area on the first floor of City Hall is confusing in its placement. **Response: Completed. Removed all confusing signs.**
9. Security personnel provided by Buffalo Police Department should have a stronger visible presence in the Treasury Teller Room. This could be achieved with an elevated platform overlooking the Teller Cage to protect against any potential security breaches. **Response: It was agreed, the designated area we currently utilize is most central. We are talking with the Division of Buildings on a possible configuration similar to that in the Lobby of City Hall.**

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10. The M & T Clearing Account Reconciliation is done by the Treasury Administrator. The reconciliation makes use of a small plug number to balance. The reconciliation methodology should eliminate this plug. The Clearing account Reconciliation should be reviewed by the Accounting Division on a monthly basis. **Response: The plug number is a result of a timing issue with the credit card and ACH Payments. Unlike cash & check receipts, received and processed on a specific day, a WEB or ACH payment can be made today, recorded by MIS tomorrow and posted to our bank the next day. We have spoken to M& T Bank again today to have all of the funds deposited directly into the one Clearing account. We were advised it will happen ASAP. We also spoke with MIS about massaging the timing of the posting of the WEB & ACH payments and the Director, Raj Mehta is willing to work with us to correct the lag. We are willing to assist the reconciliation being done by Accounting Division.**
 11. The reason for Lockbox and American Water rejects should be examined and measures to eliminate these rejects should then be initiated. **Response: Lock Box returns, (rejects) are a result of customer remitting a check without an OCR (Optical Character Remittance) scan line source document. There will always be rejected items, however, less than 1% of the remitted bills to Lock Box are returned to the Treasury for processing, which is far less than the industry average.**
 12. As an added internal control, the safe combination should change when any personnel with access to the combination leaves employment in the Treasury Division. **Response: We are calling for a company who can change the tumblers & finding out what the cost will be.**
 13. The Treasury Director expressed a desire to develop a written Policies and Procedures Manual. High priority should be given to this initiative. **Response: Will be completed within the next year.**

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **December 09, 2010**
 in the Department of **Audit and Control**
 Division of **Accounting**
 to the Position of **Associate Accountant**
 Permanent, Provisional, Temporary, Seasonal (Insert one) **CONTINGENT PERMANENT**
 Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**
 Minimum, Intermediate, Maximum, Flat (Insert one) **INTERMEDIATE**

(Enter Starting Salary) : Starting Salary of: **\$46,562**

LAST JOB TITLE	NAME	Richard J. Fanton
LAST DEPARTMENT	ADDRESS	193 W. Woodside Ave.
LAST SALARY	CITY & ZIP	Buffalo, NY 14220
LAST 4 DIGITS OF SSN. XXX-XX-3323		

LAST JOB TITLE	NAME	
LAST DEPARTMENT	ADDRESS	
LAST SALARY	CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-		

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10443001	TITLE CODE NO	0540
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	5124
SALARY RANGE OF POSITION	45,358 - 52,585	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM: Individual appointed in compliance with Local 650
Bargaining Agreement provisions relative to minimum compensation on appointment.

NAME OF APPOINTING AUTHORITY: **Andrew A. SanFilippo**
 TITLE OF APPOINTING AUTHORITY: **Comptroller**
 DATE: **December 09, 2010**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
 #8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

FROM THE PRESIDENT OF THE COUNCIL



FILLMORE DISTRICT
COUNCIL MEMBER

00012



DAVID A. FRANCZYK
PRESIDENT
OF THE
BUFFALO COMMON COUNCIL

65 NIAGARA SQUARE
1315 CITY HALL
BUFFALO, NY 14202-3318
(716) 851-4138
FAX: (716) 851-4869
E-mail:
dfranczyk@city-buffalo.com
City of Buffalo Website:
www.city-buffalo.com

RESCIND SPECIAL SESSION

December 21, 2010

Mr. Wilmer Olivencia, Jr
Deputy City Clerk
1308 City Hall
Buffalo, New York

Dear Mr. Olivencia:

Upon the written request of Five Councilmembers, dated December 21, 2010 presented to you herewith, I hereby rescind The Special Meeting of the Common Council that was scheduled for December 21, 2010 at 1:30 PM. This is due to unforeseen circumstances.

Yours very truly,

David A. Franczyk

President of the Council

RECEIVED AND FILED

FROM THE COMMISSIONER OF PUBLIC WORKS, PARKS AND STREETS

TO: THE COMMON COUNCIL

DATE: December 22, 2010

FROM: DEPARTMENT: Public Works, Parks and Streets

DIVISION: Engineering

SUBJECT: [: Notification Serial #10602
 [: Permissive Parking - Repeal
 [: on Genesee Street, south side
 [: between Ellicott Street
 [: and East Chippewa Street
 [: (Ellicott District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

PERMISSIVE PARKING - REPEAL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

That that part of Subdivision 25 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by repealing therefrom the following: PERMISSIVE PARKING

PERMISSIVE PARKING LOCATION

PERIOD OF PERMISSIVE PARKING - DAILY

Genesee Street, south side
between Ellicott Street
and East Chippewa Street

2 hour parking
7 a.m. to 7 p.m.
Except Sunday

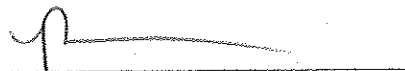
This action is being taken to install metered parking near a newly renovated building at Genesee and Oak Streets where there is a anticipated demand for additional on-street parking. (see next two serials)

SJS/PJM/EDS/RWS

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.

TYPE TITLE: City Engineer

SIGNATURE OF DEPARTMENT HEAD:



TO: THE COMMON COUNCIL

DATE: December 22, 2010

FROM: DEPARTMENT: Public Works, Parks and Streets

DIVISION: Engineering

SUBJECT: [: Notification Serial #10603
 [: Install Metered Parking
 [: on Genesee Street, south side
 [: between Ellicott Street
 [: and Oak Street
 [: (except No Standing and No Parking areas)
 [: (Ellicott District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

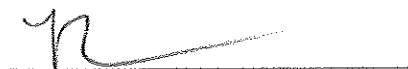
METERED PARKING - INSTALL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

That that part of Subdivision 25 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by adding thereto the following: METERED PARKING

METERED PARKING LOCATION	PERIOD OF METERED PARKING	RATE OF METERED PARKING
Genesee Street, south side between Ellicott Street and Oak Street (except No Standing and No Parking areas)	2 Hour Maximum 8 a.m. to 5 p.m. Except Saturday and Sunday	Rate C \$1 per hour

This action is being taken to install metered parking near a newly renovated building at Genesee and Oak Streets where there is a anticipated demand for additional on-street parking. (see previous and next serial)

SJS/PJM/EDS/RWSTYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.TYPE TITLE: City EngineerSIGNATURE OF DEPARTMENT HEAD:

TO: THE COMMON COUNCIL

DATE: December 22, 2010

FROM: DEPARTMENT: Public Works, Parks and Streets

DIVISION: Engineering

SUBJECT: [: Notification Serial #10604
 [: Install Metered Parking
 [: on Genesee Street, north side
 [: between Oak Street
 [: and East Chippewa Street
 [: (except No Standing and No Parking areas)
 [: (Ellicott District)

PRIOR COUNCIL REFERENCE: (IF ANY) [:
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

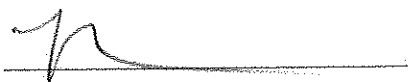
METERED PARKING - INSTALL

In conformity with Section 49 of Chapter 479 of the Ordinances of the City of Buffalo, the City Engineer hereby notifies Your Honorable Body of this action supplementing, amending, or repealing existing provisions of Chapter 479 of the Ordinances, as stated below, to be effective forty five days after the first Council meeting at which they appear on the agenda as an item business.

That that part of Subdivision 25 Section 15 of Chapter 479 of Ordinances of the City of Buffalo be supplemented by adding thereto the following: METERED PARKING

METERED PARKING LOCATION	PERIOD OF METERED PARKING	RATE OF METERED PARKING
Genesee Street, north side between Oak Street and East Chippewa Street (except No Standing and No Parking areas)	2 Hour Maximum 8 a.m. to 5 p.m. Except Saturday and Sunday	Rate C \$1 per hour

This action is being taken to install metered parking near a newly renovated building at Genesee and Oak Streets where there is a anticipated demand for additional on-street parking. (see previous two serials)

SJS/PJM/EDS/RWSTYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.TYPE TITLE: City EngineerSIGNATURE OF DEPARTMENT HEAD:

(GeneseeOakMeterInstall.doc)

RECEIVED AND FILED

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: December 10, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Parks

SUBJECT: [: Allied Collection of
[: Recyclable Materials

PRIOR COUNCIL REFERENCE: (IF ANY) [

I hereby respectfully request from Your Honorable Body permission to continue on a month-to-month basis with the City of Buffalo's existing recycling contract (\$153,020.69) with Allied while our new contract is being finalized.

Your consideration toward this request is greatly appreciated.

Department Head Name: Steven J. Stepniak
Title: Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:

SJS:cam

cc: Peter Merlo, P.E., City Engineer
Paul Sullivan, Streets & Sanitation

(cc121010.doc)

RECYCLING COLLECTION CONTRACT EXTENSION

This Addendum entered into this ____ day of December 2010, is made between the **CITY OF BUFFALO ("CITY")**, a municipal corporation of the State of new York, having its principal offices at 65 Niagara Square, Buffalo, New York 14202, and **ALLIED WASTE SERVICES OF NORTH AMERICA, LLC, (formerly known as ALLIED WASTE INDUSTRIES, INC.) ("CONTRACTOR")**, a business corporation having principal offices at 2321 Kenmore Avenue, Kenmore, New York 14217.

WHEREAS the City and the Contractor entered into an agreement, acknowledged the 18th day of February 2003; and

WHEREAS, the CITY and the CONTRACTOR mutually agreed to modify and extend said contract to extend through July 2011; and

WHEREAS, circumstances require the temporary extension of such agreement, pending implementation of a new city-wide material recovery contract, in order to assure continued and interrupted service to the residents of the City; and

WHEREAS, this extension agreement is intended to memorialize the agreement of the CITY and Contractor, and is intended to supplement the terms of the original contract, as previously modified, and shall be attached thereto and made a part thereof;

NOW, THEREFORE, in consideration of the mutual covenants, promises, representations and conditions made herein, the CITY and the CONTRACTOR agree as follows:

1. The CONTRACTOR shall continue collection of material pursuant to the terms of the Agreement between the CITY and the CONTRACTOR as previously extended on a month-to-month basis, for a period not to exceed six (6) one-month periods, commencing with the expiration of the current agreement between the parties;
2. The CONTRACTOR shall perform such work at the same pricing as provided by the current agreement;
3. Any provision to the contrary notwithstanding, the CONTRACTOR shall not be required to repair or replace city-owned motor vehicles used for the execution of materials collection should any of such vehicles suffer catastrophic breakdown as a result of coming to the end of useful life, and further provided that the CONTRACTOR deliver to the CITY documentation, in the form of service records on such vehicle, demonstrating

17
that the CONTRACTOR has maintained such vehicles in the ordinary manner for maintaining such motor vehicles.

4. The CITY, through its Commissioner of Public Works, Parks, and Streets mat terminate this agreement upon fifteen (15) days' written notice to the CONTRACTOR.

ALLIED WASTE SERVICES
OF NORTH AMERICA, LLC

CITY OF BUFFALO

BY: _____

BY: _____
STEVEN J. STEPNIAK
Commissioner of Public
Works, Parks and Streets

ACKNOWLEDGEMENT

On the ____ day of ____ in the year 2008 before me personally appeared STEVEN J. STEPNIAK to me known, who, being by me duly sworn, did depose and say that he reside(s) in Buffalo, New York; that he is the, ACTING COMMISSIONER OF PUBLIC WORKS PARKS & STREETS of the CITY OF BUFFALO, the municipal corporation described herein and that he executed the above instrument in his capacity for and on behalf of said municipal corporation by like authority.

NOTARY PUBLIC

ACKNOWLEDGEMENT

On the ____ day of ____ in the year 2008 before me personally appeared _____ to me known, who, being by me duly sworn, did depose and say that (s)he is the _____ of **ALLIED WASTE SERVICES OF NORTH AMERICA, LLC.**, the corporation described herein and that he executed the same in his capacity for and on behalf of said corporation by like authority.

NOTARY PUBLIC

80

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 10, 2010 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is authorized to continue on a month-to-month basis with the City's existing recycling contract (\$153,020.69) with Allied Waste Services of North America, LLC.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: December 11, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Parks

SUBJECT: [: Allied Material
[: Processing of
[: Recyclable Goods

PRIOR COUNCIL REFERENCE: (IF ANY) [

I hereby request permission from Your Honorable Body, effective January 1, 2011, to extend the current contract between the City of Buffalo and Allied for the processing of recyclable materials on a month-to-month basis not to exceed six (6) months under the same terms of the existing contract. Presently, the City receives \$10.00 per ton for recyclable materials. (Please See Attachment)

Your consideration toward this request is greatly appreciated.

Department Head Name: Steven J. Stepniak
Title: Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:

SJS:cam

Attachment

(cc121110.doc)

82

RECYCLING (MATERIAL RECOVERY) CONTRACT EXTENSION

This Addendum entered into this ____ day of December 2010, is made between the **CITY OF BUFFALO ("CITY")**, a municipal corporation of the State of New York, having its principal offices at 65 Niagara Square, Buffalo, New York 14202, and **ALLIED WASTE SERVICES OF NORTH AMERICA, LLC, (formerly known as ALLIED WASTE INDUSTRIES, INC.) ("CONTRACTOR")**, a business corporation having principal offices at 2321 Kenmore Avenue, Kenmore, New York 14217.

WHEREAS the City and the Contractor entered into an agreement dated the 6th day of July 2000; and

WHEREAS, the CITY and the CONTRACTOR mutually agreed to extend the terms of such contract pursuant to an Extension Agreement dated the 3rd day of May 2005; and

WHEREAS, the CITY and the Contractor mutually agreed to a month to month extension of such contract for a period not to exceed six months, terminating December 2010; and

WHEREAS, circumstances require a second the temporary extension of such agreement, pending implementation of a new city-wide material recovery contract, in order to assure continued and uninterrupted service to the residents of the City; and

WHEREAS, this extension agreement is intended to memorialize the agreement of the CITY and Contractor, and is intended to supplement the terms of the original contract, as previously modified, and shall be attached thereto and made a part thereof;

NOW, THEREFORE, in consideration of the mutual covenants, promises, representations and conditions made herein, the CITY and the CONTRACTOR agree as follows:

1. That the CITY and the CONTRACTOR agree to extend the current contract on a month-to-month basis for a period not to exceed six (6) months, commencing January 1, 2011, upon the same terms and conditions as provided in the agreement as modified.
2. That the CITY, through its Commissioner of Public Works, Streets and Parks, may terminate this extension agreement upon fifteen (15) day's written notice to the CONTRACTOR;
3. That the CITY and the CONTRACTOR shall continue the current methods for promoting the Buffalo Recycling Program;
4. That the CONTRACTOR shall pay to the CITY the sum of six thousand two hundred fifty dollars (\$6,250) for each month of this extended period, payable in arrears on a quarterly basis;
5. That such funds shall be paid into the CITY's "Recycling Education Fund". All monies, including excess funds, shall be used for the purpose of promoting the Buffalo Recycling

84
program, including the costs related to advertisement and any other promotional and educational expenses, subject to the written permission of the Commissioner of Public Works, Parks and Streets;

6. That except as specifically modified herein, all terms and conditions of the original contract, as previously modified, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their signatures this ____ day of ____ 2010.

ALLIED WASTE SERVICES
OF NORTH AMERICA, LLC

CITY OF BUFFALO

BY: _____

BY: _____
STEVEN J. STEPNIAK
Commissioner of Public
Works, Parks and Streets

85

ACKNOWLEDGEMENT

On the ____ day of ____ in the year 2008 before me personally appeared STEVEN J. STEPNIAK to me known, who, being by me duly sworn, did depose and say that he reside(s) in Buffalo, New York; that he is the, ACTING COMMISSIONER OF PUBLIC WORKS PARKS & STREETS of the CITY OF BUFFALO, the municipal corporation described herein and that he executed the above instrument in his capacity for and on behalf of said municipal corporation by like authority.

NOTARY PUBLIC

ACKNOWLEDGEMENT

On the ____ day of ____ in the year 2008 before me personally appeared _____ to me known, who, being by me duly sworn, did depose and say that (s)he is the _____ of **ALLIED WASTE SERVICES OF NORTH AMERICA, LLC.**, the corporation described herein and that he executed the same in his capacity for and on behalf of said corporation by like authority.

NOTARY PUBLIC

87

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 11, 2010 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is authorized to extend the current contract between the City and Allied Waste Services of North America, LLC for the processing of recyclable materials on a month-to-month basis for a period not to exceed six (6) months under the same terms of the existing contract.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: December 9, 2010

FROM: DEPARTMENT: Public Works, Parks and Streets

DIVISION: Commissioner's Office

SUBJECT: (: Change in Contract
Contract #93000264, Schneck Tree Removal
Citywide

PRIOR COUNCIL REFERENCE: (IF ANY) [:

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

I hereby submit to Your Honorable Body the following change order for emergency tree removals citywide:

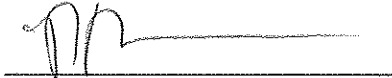
Original Base Contract Amount:	\$444,860.40
Previous Change Orders	80,810.70
This Change Order (C02):	<u>\$ 71,220.48</u>
Total Contract	\$596,891.58

I respectfully certify that this change order is fair and equitable for the work involved, and respectfully request that Your Honorable Body approve the subject change order and authorize the Commissioner of Public Works, Parks and Streets to issue said change order to Schneck Tree Removal for \$71,220.48. Funds for this work are available in Capital Account(s) 38400206, 303111506 and account(s) to be named at a later date.

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E.

TYPE TITLE: City Engineer

SIGNATURE OF DEPARTMENT HEAD:



PJM/cmg

90

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 9, 2010, be received and filed; and

That the Commissioner of Public Works, Parks and Streets be, and he hereby is authorized to issue change order C02, to Schneck Tree Removal, an increase in the amount of \$71,220.48, as more fully described in the above communication, for work relating to emergency tree removals citywide, Contract #93000264. Funds for this project are available in Capital Account(s) 38400206, 303111506 and account(s) to be named at a later date.

Passed

TAB:rmv

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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00017

TO: THE COMMON COUNCIL

DATE: December 15, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Buildings

SUBJECT: [: Permission to Hire Consultant
[: Fire Stations - Various
[: Structural Analysis
[: Job #1075
[: Various Districts

PRIOR COUNCIL REFERENCE: (If Any) [:
EX. (ITEM NO. CCP)

TEXT:

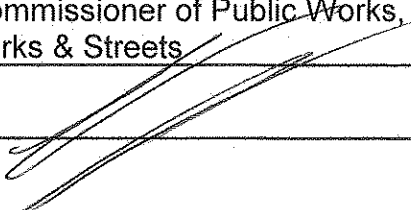
Permission is hereby requested from Your Honorable Body to retain a consultant to conduct Structural Analysis for Various Fire Stations and to prepare a report with recommendations. The structural analysis is required to analyze the bay floors that will be housing the new fire equipment to ensure that the existing floors can handle the weight.

SJS/PJM/DDC/dlg

Department Head Name: Steven J. Stepniak

Title: Commissioner of Public Works,
Parks & Streets

Signature of Department Head: _____



16

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 15, 2010 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is authorized to retain a consultant to conduct Structural Analysis for Various Fire Stations Job #1075 and to prepare a report with recommendations.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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TO: THE COMMON COUNCIL

00018

DATE: December 14, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Commissioner's Office

SUBJECT: [: Permission to Hire Consultant
[: 60 Hedley Place
[: Reconstruction, Phase II
[: Job #1063
[: Masten District

PRIOR COUNCIL REFERENCE (If Any) [:

EX. (Item No. CCP)

TEXT:

Permission is hereby requested from Your Honorable Body to retain a consultant to prepare plans and specifications and provide construction assistance for 60 Hedley Place, Reconstruction, Phase II. This project was approved as part of the Capital Improvement Plan. Funds are available in the Division of Buildings.

The estimated consultant budget is \$100,000.00

SJS/PJM/DDC/dlg
cc: J. Jacobs, Buildings

Department Head Name: Steven J. Stepniak

Title: Commissioner of Public Works, Parks & Streets

Signature of Department Head: 

17

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 14, 2010 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is authorized to retain a consultant to prepare plans, specifications and provide construction assistance for 60 Hedley Place, Reconstruction, Phase II. Funds for this project are available in the Division of Buildings.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: December 21, 2010

FROM: Department of Public Works, Parks and Streets

DIVISION: Engineering

SUBJECT [: Reduction in Retention
[: Porter Avenue Resurfacing Project
[: Destro & Brothers Concrete Co, Inc.
[: Contract # 93000556
[: Niagara District

PRIOR COUNCIL REFERENCE: (IF ANY)

Ex. (Item No. , C.C.P.)

This is to request from your Honorable Body for authorization of a reduction in the retention for the Porter Avenue Resurfacing Project.

This is a Federal and State funded project and as per direction of NYSDOT, City should not retain a typical 5% from contractor until the project completion.

The project is about 70% complete and as per City's agreement with contractor that stating the retention will be re released as contractor complete certain milestone.

Therefore, I am requesting your honorable Body's authorization Commissioner of the Public Works, Parks and Street to reduce the retention on this contract from 5% to 1%. It is the opinion of this Department that the retention proposed is sufficient to guarantee completion of this contract.

PJM: sag

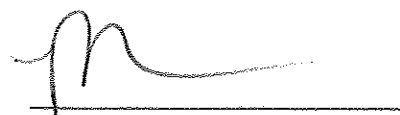
TYPE DEPARTMENT HEAD NAME:

Peter J. Merlo, P.E.

TYPE TITLE:

City Engineer

SIGNATURE OF DEPARTMENT HEAD:



99
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 21, 2010, be received and filed; and

That the Commissioner of Public Works, Parks and Streets be, and he hereby is authorized to reduce the retention from 5% to 1% to Destro & Brothers Concrete Co., Inc. for the Porter Avenue Resurfacing Project, Contract #93000556.

Passed

TAB:rmv

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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101

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 12/13/10
FROM: DEPARTMENT: Public Works/Animal Shelter
SUBJECT: [Request to Purchase Equipment
[
[
[

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Provide & Install 8 Stainless Steel Animal transport cages
onto City's existing cargo van for Animal Control Staff

Total \$ 14,000.00

Funds to come out of the 15203007-474100

SIGNATURE



DEPARTMENT HEAD TITLE :

COMMISSIONER OF PUBLIC WORKS

SJS/PJM/CMB

19

102
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 13, 2010, be received and filed; and

That the Commissioner of Public Works, Parks and Streets and the Director of Purchase be, and they hereby are authorized to purchase the above listed equipment for a total of \$14,000.00. Funds for the purchases are available in the 15203007-474100.

Passed

TAB:rmv

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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00021



CITY OF BUFFALO
DEPARTMENT OF
PUBLIC WORKS, PARKS & STREETS



BYRON W. BROWN
MAYOR

STEVEN J. STEPNIAK
COMMISSIONER

PETER J. MERLO, P.E.
CITY ENGINEER

December 17, 2010

Mark Jaskula
Sr. Legislative Assistant
Common Council Staff
1413 City Hall
Buffalo, New York 14202

RE: New Federal Courthouse
2 Niagara Square - CCP #43; 12/14/10)

Dear Mark:

This letter is in response to your letter of December 16, 2010 regarding the above mentioned Council item. This item has been reviewed by the Department of Public Works, Parks & Streets and finds no objection their request.

If you should require additional information, please do not hesitate to contact me at 851-5636.

Very truly yours,

Steven J. Stepniak
Commissioner
Public Works, Parks & Streets

SJS:cam

Attachment

(ss121710.doc)

RECEIVED AND FILED

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: DECEMBER 22, 2010
FROM: DEPARTMENT:
DEPARTMENT OF PUBLIC WORKS

SUBJECT: :TRADE IN OF VEHICLES
:
:
:

PRIOR COUNCIL REFERENCE: (IF ANY)

Ex. (item No. xxx. C.C.P. xx/xx/xx)

THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF WATER, IS REQUESTING PERMISSION TO TRADE IN THE LISTED BELOW VEHICLES FOR THE PURCHASE OF (7) NEW LIGHT DUTY PICK-UP TRUCKS WITH FUNDS FROM VEOLIA WATER COMPANY. THIS IS IN ACCORDANCE WITH THE VEHICLE PLAN AS APPROVED BY THE DIVISION OF WATER. THE NEW LIGHT DUTY PICK-UP TRUCKS WILL BE USED FOR THE REPAIR & MAINTENANCE OF THE WATER DISTRIBUTION SYSTEM.


TRADE IN OF W160 - 1994 CHEVY PICK-UP C2500
TRADE IN OF W161 - 1994 CHEVY PICK-UP C2500
TRADE IN OF W179 - 1997 CHEVY 4 X 4 3500 ¾ TON DUMP
TRADE IN OF W188 - 1998 CHEVY G2500 VAN
TRADE IN OF W189 - 1998 CHEVY G2500 VAN
TRADE IN OF W193 - 1999 FORD E250 VAN
TRADE IN OF W195 - 1999 FORD E250 VAN
TRADE IN OF W197 - 1999 FORD E250 VAN
TRADE IN OF W205 - 2001 FORD E350 VAN
TRADE IN OF W209 - 2004 CHEVY 4 X 4 SILVERADO PICK-UP EXT CAB

SIGNATURE

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E. City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



107

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated December 22, 2010, be received and filed; and

That the Commissioner of Public Works, Parks and Streets and the Director of Water be, and they hereby are authorized to trade-in the above listed vehicles and that authorization for the purchase of new vehicles be reported to this Council for its consideration once said vehicles have been identified, *together with the procurement method utilized for said purchases.*

Passed

TRB

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: DECEMBER 22, 2010
FROM: DEPARTMENT: DEPARTMENT OF PUBLIC WORKS

SUBJECT: :TRADE IN OF VEHICLES

:
:
:

PRIOR COUNCIL REFERENCE: (IF ANY)

Ex. (item No. xxx, C.C.P. xx/xx/xx)

THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF WATER, IS REQUESTING PERMISSION TO TRADE IN THE LISTED BELOW VEHICLES FOR THE PURCHASE OF (7) NEW LIGHT DUTY PICK-UP TRUCKS WITH FUNDS FROM VEOLIA WATER COMPANY. THIS IS IN ACCORDANCE WITH THTE VEHICLE PLAN AS APPROVED BY THE DIVISION OF WATER. THE NEW LIGHT DUTY PICK-UP TRUCKS WILL BE USED FOR THE REPAIR & MAINTENANCE OF THE WATER DISTRIBUTION SYSTEM.

TRADE IN OF W160 - 1994 CHEVY PICK-UP C2500
TRADE IN OF W161 - 1994 CHEVY PICK-UP C2500
TRADE IN OF W179 - 1997 CHEVY 4 X 4 3500 ¾ TON DUMP
TRADE IN OF W188 - 1998 CHEVY G2500 VAN
TRADE IN OF W189 - 1998 CHEVY G2500 VAN
TRADE IN OF W193 - 1999 FORD E250 VAN
TRADE IN OF W195 - 1999 FORD E250 VAN
TRADE IN OF W197 - 1999 FORD E250 VAN
TRADE IN OF W205 - 2001 FORD E350 VAN
TRADE IN OF W209 - 2004 CHEVY 4 X 4 SILVERADO PICK-UPEXT CAB

SIGNATURE

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E. City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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FROM THE COMMISSIONER OF POLICE

00023

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL: DATE: December 23, 2010

FROM: DEPARTMENT: POLICE

DIVISION: _____

SUBJECT: | : Approval to replace unmarked/undercover vehicles in
| : Buffalo Police Department fleet
| :

PRIOR COUNCIL REFERENCE: (IF ANY) | :

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

I hereby submit to Your Honorable Body a request to update the Buffalo Police Department fleet utilizing current drug asset forfeiture funds. The Police Department hereby requests approval from your Honorable Body to purchase up to twelve (12) used, unmarked vehicles to be utilized by the Narcotics/Vice Unit. These vehicles will encompass various years, makes and models, will replace twelve (12) existing unmarked vehicles that have become unserviceable and/or "stale" (have become recognized as an undercover vehicle), therefore requiring periodic replacement, and will enhance/improve the overall effectiveness of the Buffalo Police Department fleet.

The replacement vehicles will be used by undercover officers that work covert narcotics and vice operations and this purchase will give the department the ability to provide officers with the tools necessary to carry out these undercover operations and deal with the criminal element within the City of Buffalo. As stated, these twelve (12) vehicles will replace twelve (12) existing vehicles that will be eliminated (auctioned) after the purchase is completed. As a result, there will be no increase to the overall fleet size or marked/unmarked composition from this purchase of vehicles nor will they be assigned for take-home use.

If you have any questions or concerns, please contact me at 851-4571.

Thank you in advance for your cooperation and expediency in addressing this matter.

DD/jwsTYPE DEPARTMENT HEAD NAME: DANIEL DERENDATYPE TITLE: COMMISSIONER OF POLICESIGNATURE OF DEPARTMENT HEAD: 21A
RT

112

Mr. Fontana moved:

That the above communication from the Commissioner of Police dated December 23, 2010, be received and filed; and

That the Commissioner of Police and the Director of Purchase, be and they hereby are authorized to purchase the above listed vehicles and equipment upon the condition that there be no increase in the number designated as authorized for take-home use.

Passed.

21A

TAB:rmv

t:\wp60\msword\rmv\21ac12-28a.doc

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	*
	*	8	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

00024

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL: DATE: December 23, 2010

FROM: DEPARTMENT: POLICE

DIVISION: _____

SUBJECT: | : Seized vehicle
| :
| :

PRIOR COUNCIL REFERENCE: (IF ANY) | :
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

The Buffalo Police Department hereby requests permission from your honorable body to utilize current drug asset forfeiture funds to cover administrative/seizure fees to the U.S.Marshalls Office for one vehicle seized by the Buffalo Police Department. The vehicle is a [REDACTED], it must be assigned for a law enforcement purpose as mandated through the Drug Asset Forfeiture guide book, will be utilized in future undercover operations, and will not be used as a take home vehicle. The total funds to be spent to cover the fees will be \$1,981.87.

If you have any questions, please contact me at 851-4571.

TYPE DEPARTMENT HEAD NAME: DANIEL DERENDA

TYPE TITLE: COMMISSIONER OF POLICE

SIGNATURE OF DEPARTMENT HEAD: _____

218
REF

115
Mr. Fontana moved:

That the above communication from the Commissioner of Police dated December 23, 2010, be received and filed; and

That the Commissioner of Police and the Director of Purchase, be and they hereby are authorized to purchase the above listed vehicle upon the condition that there be no increase in the number designated as authorized for take-home use a total cost of \$1,981.87.

Passed.

21B

TAB:rmv

t:\wp60\msword\rmv\21bc12-28a.doc

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

*	*	*
*	8	*
*	*	*
*	*	*

Maj - 5
2/3 - 6
3/4 - 7

FROM THE CORPORATION COUNSEL

00025

Certificate of Appointment

118

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **December 13, 2010**

in the Department of **Law**

Division of

to the Position of **Director of Employee Relations**

Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **EXEMPT**

Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**

Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **MINIMUM**

(Enter Starting Salary) : Starting Salary of **\$ 80,000.00**

LAST JOB TITLE	Asst. Corp. Counsel I (Muni Atty)	NAME	Omar R. Price
LAST DEPARTMENT	Law	ADDRESS	29 Hempstead Avenue
LAST SALARY	\$50,604.00	CITY & ZIP	Buffalo, NY 14215
LAST 4 DIGITS OF SSN. XXX-XX-5931			

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

~~REFERRED TO THE COMMITTEE ON CIVIL SERVICE~~

BUDGET ORG. CODE	10546001	TITLE CODE NO	
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	2010/99
SALARY RANGE OF POSITION	\$80,000.00	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **DAVID RODRIGUEZ**

TITLE OF APPOINTING. AUTHORITY: **Acting Corporation Counsel**

DATE: **December 14, 2010**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET

#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

RECEIVED AND FILED

22

FROM THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PERMIT &
INSPECTION SERVICES

00026

To: The Common Council:

Date: December 22, 2010

From: Department Permit & Inspection Services

Division: Office of Licenses

Subject: [: Food Store (New)
[: 1146 Hertel(Delaware)

| Type in Upper and |
| Lower Case Only |

[:
[:

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 194 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Food Store License located at **1146 Hertel (FAMILY MART/MOHAMMED ALI MAHDI AL JEBORI)** and find that as to form is correct. I have caused an investigation into the premises for which said application for a food store license is being sought and according to the attached reports from the Zoning Office, Fire Department, Building Inspections, Police Department and Collection Office I find it complies with all regulations and other applicable laws. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORD

Type Title: COMMISSIONER

Signature of Department Head:

JC:PS:rf

REFERRED TO THE COMMITTEE
ON LEGISLATION.

LBC

23



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: FAMILY MART

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 1146 HERTEL

BUSINESS PHONE:

COUNCIL DISTRICT: DE

POLICE DISTRICT: 17

APPLICANT NAME: MOHAMMED AL JEBORI

APPL. PHONE: 716-8286

APPLICATION NUMBER: 560288

REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12-1-10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: FAMILY MART

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 1146 HERTEL
BUSINESS PHONE: -
COUNCIL DISTRICT: DE
POLICE DISTRICT: 17
APPLICANT NAME: MOHAMMED AL JEBORI
APPL. PHONE: 716-8286
APPLICATION NUMBER: 560288
REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 11-17-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

A. J. Poczka

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: FAMILY MART

LICENSE TYPE: FOOD STORE NEW LICENSE 2011
BUSINESS ADDRESS: 1146 HERTEL
BUSINESS PHONE: -
COUNCIL DISTRICT: DE
POLICE DISTRICT: 17
APPLICANT NAME: MOHAMMED AL JEBORI
APPL. PHONE: 716-8286
APPLICATION NUMBER: 560288
REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12-1-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: FAMILY MART

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 1146 HERTZ

BUSINESS PHONE:

COUNCIL DISTRICT:

DE

POLICE DISTRICT:

17

APPLICANT NAME:

~~MAYDI ALIBORI~~

APPL. PHONE:

716-8286

APPLICATION NUMBER:

500285

REFERRAL DATE:

12/08/2010

716-828-6986
AL M. AL JEBORI

REMARKS:

716-533-1706
* NASHWAN AL SHWAILI IS COAPPLICANT. NEED TO RESUBMIT, APPLICANT
HAD WRONG NAME

DISAPPROVAL REASON:

CD 10-356-0275
CPO. M. BLENES

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE:

12/22/10

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN:

APPROVED

DATE:

DISAPPROVED

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

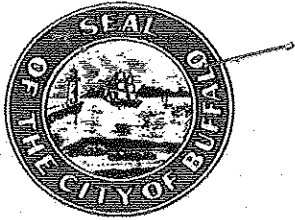
REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPROVAL



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: COLLECTIONS OFFICE

REFERRED TO: COLLECTIONS OFFICE

APPLICATION FOR: FAMILY MART

LICENSE TYPE: FOOD STORE

NEW LICENSE 2011

BUSINESS ADDRESS: 1146 HERTEL

BUSINESS PHONE:

COUNCIL DISTRICT: DE

POLICE DISTRICT: 17

APPLICANT NAME: MAHDI AL JEBORI

APPL. PHONE: 716-8286

APPLICATION NUMBER: 560288

REFERRAL DATE: 11/16/2010

REMARKS: APPLICANT GAVE WRONG NAME ON SS CARD. RESUBMITTED WITH
CORRECT NAME.

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12/15/10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: NO DEBT

INSPECTOR PATRICK IRWIN RM# 113 EXT 851-4395

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt

Call for 828 6986

26

DEPARTMENT OF ECONOMIC DEVELOPMENT, PERMIT & INSPECTION SERVICES
OFFICE OF LICENSES
313 CITY HALL
BUFFALO NY 14202 851-4078

LICENSE APPLICATION

PLEASE CHECK LICENSE CATEGORY APPLYING FOR

NOV 10 2010

☐ RESTAURANT
☐ RESTAURANT TAKEOUT
☒ MEAT, FISH & POULTRY

☐ BAKERY
☐ CATERER

☐ CONFECTIONER
☒ FOOD STORE

Att 560 288

Date _____ 20____

Applicant Name Aljebori Ali Applicant Home Phone # 716 828 6986

Applicant Address 379 Dearborn St. upper Buffalo NY 14207
(No., Street) (City, Town or Village) (State) (Zip)

Co-Applicant Name Alshuwaili Nashwan

Co-Applicant Address 122 Bush St. lower Buffalo NY 14207
(No., Street) (City, Town or Village) (State) (Zip)

Corporation Name _____ Date Incorporated _____

Business Name Family Mart Date of Business Certificate 11-04-10

Business Address 1146 Hertel Ave Buffalo NY 14206
(No., Street) (City, Town or Village) (State) (Zip)

Mailing Address (if different than business address) _____
(No., Street) (City, Town or Village) (State) (Zip)

Business Phone # _____ Fax # _____

State Tax ID Number _____ Social Security # _____

No. of Employees _____ (Baker & Confectioner only)

Subscribed and sworn to before me this 10th
Day of Nov, 2010

[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

[Signature]
Applicant Signature

FEES:	RESTAURANT 0-200 SEATS	\$174.00
	201-400 SEATS	\$250.00
	401 +	\$325.00
	RESTAURANT TAKEOUT/CATERING	\$ 88.00
	MEAT, FISH & POULTRY (2 YRS.)	\$150.00
	FOOD STORE	\$115.00
	BAKER/CONFECTIONER 0-2 EMPLOYEES	\$63.00
	3-10	\$105.00
	11-25	\$157.00
	26-50	\$315.00
	51-200	\$525.00

RST appl

00027

Communication to the Common Council

To: **The Common Council:**

Date: **December 20, 2010**

From: **Department** Department of Permit & Inspection Services

Division Office of Licenses

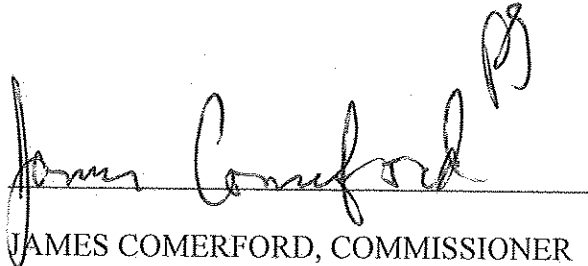
Subject: **[: Restaurant Dance Class III**
[: 234 Delaware Av aka 236 Delaware
[(new owner)

Prior Council Reference: (If any) [:

Ext. Item No. xxx, C.C.P. xx/xx/xx:

Pursuant to Chapter 150 of the City of Buffalo Ordinance please be advised that I have examined the attached application for a Restaurant Dance Class III License located at **234 Delaware Avenue** aka 236 Delaware, dba **Purple Monkey Tropical Pub**, and find that as to form is correct. I have caused an investigation into the premises for which said application for a Restaurant Dance Class III license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections. I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Jeffrey Roe. This request is submitted for your approval or whatever action you deem appropriate.

Signature of Department Head:

 ^{PJ}
JAMES COMERFORD, COMMISSIONER

Department Head Name:

JC:cap

#1 (Rev. 01/1993)

24



CITY OF BUFFALO - LICENSE APPLICATION

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202

Phone (716) 851-4078 Fax (716) 851-4952

All information on this form is public record.

☐ Mail

☐ Walk-in

Type of Entity: ☐ Sole Proprietor ☐ Corporation ☐ Partnership ☒ Limited Liability Company

☒ Restaurant 1-200 seats fee \$174.00
☐ 201-400 seats \$250.00
☐ 400+ seats \$350.00
 (on premise consumption of food and/or beverage)

☒ Certificate of Inspection \$56.00
 (Public Assembly) Restaurant 50+ seats

☒ Coin Control Amusement
 # games 2 per game \$47.25

☐ Arcade # games ___ per game \$47.25

☐ Music mechanical \$52.50

☒ Music live, no dancing \$52.50

☐ News Stand \$63.00

☒ Restaurant Dance fee
☐ Floor Show \$367.50
☒ Live Music \$210.00
☐ Mechanical \$131.25

☐ Public Dance (based on sq ft)

☐ GoGo Dancing \$131.25

☐ Skating Rink \$210.00

☐ Bowling Alley per lane \$31.50

lanes ___

☐ Billiard Parlor per table \$31.50

tables ___

☐ Restaurant Take Out \$ 88.00

☐ Food Store \$115.00

See additional questions.

☐ Meat Fish Poultry \$150.00

☐ Caterer \$ 88.00

☐ Bakery

☐ 0-2 employees \$ 63.00

☐ 3-10 employees \$105.00

☐ 11-15 employees \$157.00

☐ 26-50 employees \$315.00

☐ 51-200 employees \$525.00

Corporation Name B6JR LLC

Business Phone (716) 207-8711

Business Name (dba) Purple Monkey Tropical Pub

Business Fax () ___

Business Address (no PO Box) 236 Delaware Ave Buffalo, NY 14202

Mailing Address (if different) ___

NYS Tax ID # ___

Business Website ___

E-Mail PurpleMonkey

PurpleMonkeypub@gmail.com

Owner(s)/ Principal Partners

Applicant (last, first) Rowe, Jeffrey

Home Phone 716 207-8711

Home Address: (PO Box not acceptable) 1 Allendale Ct Cheektowaga NY

Date of birth [redacted] Place of Birth Buffalo, NY

Co-Applicant (last, first) Garner, Brent

Home Phone 716 200-8597

Home Address: (PO Box not acceptable) 37 GROVE STREET AMERICA NY 14006

Date of birth [redacted] Place of Birth Gowanda, NY

Describe your specific business activity in detail. ___

Subscribed and sworn to before me
 this 10 day of Oct 20 10

Commissioner of Deeds in and for the
 City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

Initial ___

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

For office use only

T&A

Application No 56.0041 RST

Date issued: 56.0042 Col

56.0043 CCA

56.0044 RSD

56.0045 Lma

Print Name Jeffrey Rowe

Signature [Signature]

Date 10-7-10

APPLICATION RELEASE FORM

BUFFALO POLICE
DEPARTMENT

2010 OCT -6 PM 3:53

TO BE MAILED TO:

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

BUFFALO NY ARREST HISTORY ONLY.

DOES NOT CONTAIN OTHER AGENCY ARRESTS

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: BRENT J GARNER /MAIDEN NAME _____
 SEX M RACE CAUCASIAN
 CURRENT ADDRESS: 37 GROVE STREET, ANGOLA NY 14006
 DATE OF BIRTH: [REDACTED]
 SOCIAL SECURITY #: [REDACTED]
 REASON FOR REQUEST APPLYING FOR CITY PERMITS FOR A NEW BUSINESS

SIGNATURE OF APPLICANT

Brent J. GarnerDATE 10/06/2010

STATE OF NEW YORK)
 COUNTY OF ERIE) SS.
 CITY OF BUFFALO)

BUFFALO, NY
POLICE DEPT.
IDENTIFICATION

On the 6th day of October, 20 10, before me personally appeared

Brent J. Garner, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

RT. Laurie A. Piazza
 Notary Public / Commissioner of Deeds 10/30/2010

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☐ RECORD ATTACHED☒ NO RECORD ON FILE

VERIFIED BY:

DATE VERIFIED

RT. Laurie A. Piazza
10/6/2010

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.



CITY OF BUFFALO
DEPARTMENT OF ECONOMIC DEVELOPMENT,
PERMIT & INSPECTION SERVICES

OFFICE OF THE COMMISSIONER



BYRON W. BROWN
Mayor

JAMES COMERFORD, Jr.
Deputy Commissioner

Certificate of Compliance

Number 1888

In accordance with the appropriate laws of the State of New York and or the ordinances of the City of Buffalo, the structures at 234 DELAWARE (AKA 236 DELAWARE) Buffalo, New York, having been inspected and found to conform substantially to applicable laws, ordinances, rules or regulations, the portion identified on this certificate is hereby certified for occupancy. This compliance certificate is subject to the limitations specified herein and is valid until revoked unless automatically voided by this certificate being altered in any manner if there is any violation of a law or ordinance found to exist subsequent to the issuance of the certificate, i.e. continued compliance with applicable codes and ordinances is required.


Director of Permits & Inspections

Date Issued: 12/20/2010

Building Classification: Type 3b ordinary unprotected

Occupancy: A-2

Building Permit(s) Number: N/A

Date Issued: N/A

Building Inspector: Plevniak, Jack

Date of Inspection: 12/16/2010

Receipt Number: 20169

Portion of Building being inspected and certified: FIRST (1ST) FLOOR
RESTAURANT/BAR WITH MECHANICALS AND STORAGE IN BASEMENT.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

B
131

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: PURPLE MONKEY TROPICAL PUB

LICENSE TYPE: RESTAURANT/DANCE 065 NEW LICENSE 2011
BUSINESS ADDRESS: 236 DELAWARE
BUSINESS PHONE: (716) 207-5711
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: JEFFREY ROWE
APPL. PHONE: (716) 903-0541
APPLICATION NUMBER: 560044
REFERRAL DATE: 10/12/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 11-5-10

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN:

William P. Blake

Allen P. Blake

APPROVED

DATE:

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

138

Mr. Fontana moved:

That the above communication from the Department of Permit and Inspection Services, dated December 20, 2010, be received and filed; and

That pursuant to Chapter 150 of the City Code, the Director of Permit and Inspection Services be, and he hereby is authorized to grant a Restaurant Dancing Class III License to Jeffrey Roe d/b/a Purple Monkey Tropical Pub located at 234 Delaware Avenue on the conditions that there be no co-mingling patrons 21 years of age and other and under 21 years of age when the activity permitted by the license is taking place.

Passed.

* AYE * NO *

FONTANA	*	*	*
FRANCZYK	*	*	*
GOLOMBEK	*	*	*
HAYNES	*	*	*
KEARNS	*	*	*
LOCURTO	*	*	*
RIVERA	*	*	*
RUSSELL	*	*	*
SMITH	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

80

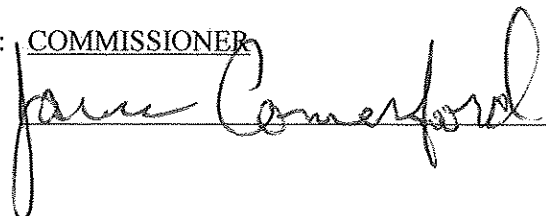
To: The Common Council:

Date: December 21, 2010

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: **Second Hand Dealer**
[: **465 Niagara (Niagara)**| Type in Upper and |
| Lower Case Only |[:
[:Prior Council Reference: (If Any) [:
Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances please be advised that I have examined the attached application for a **Second Hand Dealer License** located at **465 Niagara** and find that as to form is correct. I have caused an investigation into the premises for which said application for a second hand dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections. I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Christie Walker. The attached thereto for Christie Walker d/b/a/Injaz Exchange. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:A handwritten signature in cursive script, reading "James Comerford", is written over a horizontal line. To the right of the signature is a large, stylized letter "B".

JC:PS:jd

25

135

Interdepartmental Memo

Date: December 21, 2010
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Second Hand Dealer** at 465 Niagara St.

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Second Hand Dealer License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

(B)

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: INJAZ EXCHANGE

LICENSE TYPE: SECOND HAND DEALER 075

NEW LICENSE 2011

BUSINESS ADDRESS: 465 NIAGARA
BUSINESS PHONE: (716) 578-2083
COUNCIL DISTRICT: EL
POLICE DISTRICT: 10
APPLICANT NAME: CHRISTIE WALKER
APPL. PHONE: (716) 578-2083
APPLICATION NUMBER: 560262
REFERRAL DATE: 11/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 11-20-10

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN:

William P. BLAKE *William P. Blake*

APPROVED

DATE:

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

137
 BUFFALO POLICE
 DEPARTMENT
 APPLICATION RELEASE FORM

TO BE MAILED TO:

Buffalo Police Department
 Identification Section
 74 Franklin Street
 Buffalo, New York 14202

See
 Cheektowaga PD

2010 NOV -9 AM 9:52

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: Christie Walker /MAIDEN NAME _____
 SEX Female RACE Hisp/BLK
 CURRENT ADDRESS: 385 Trenton ave. Buffalo, NY 14201
 DATE OF BIRTH: _____
 SOCIAL SECURITY #: _____
 REASON FOR REQUEST Business opening

SIGNATURE OF APPLICANT

DATE

STATE OF NEW YORK)
 COUNTY OF ERIE) SS.
 CITY OF BUFFALO)

On the 9 day of November, 2010, before me personally appeared

Christie Walker, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

Marene Kovacik
 Notary Public / Commissioner of Deeds

4-30-13

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****



RECORD ATTACHED



NO RECORD ON FILE

VERIFIED BY:

DATE VERIFIED

MJ KOVACIK

11-9-10

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

138

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

CHEEKTOWAGA TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

CHRISTIE F. WALKER; Defendant

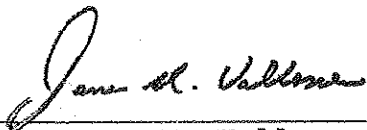
CASE NO: 07060647

Date of Birth: 06/15/2007
Date of Arrest: 06/15/2007
Disposition Date: 01/31/2008

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 0511 01A	VTL 0509 08	CHW201SBRM FL NTFY ADD CHG	FINE/SURCHARGE	75.00	0.00	55.00
VTL 0319 01U	VTL 0319 01U	CHW201SCRM INSURANCE VIOL	Dismissed	0.00	0.00	0.00
VTL 0512	VTL 0512	CHW201SDRM OP VEH REG SUSP	Dismissed	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was adjudicated as indicated.

Dated: The 10th day of November 2010

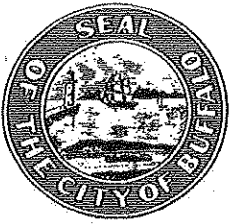


Hon. James M. Vallone

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

Copies: ___ Court, ___ Defendant, ___ Agency, ___ DA



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: INJAZ EXCHANGE

LICENSE TYPE: SECOND HAND DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 465 NIAGARA
BUSINESS PHONE: (716) 578-2083
COUNCIL DISTRICT: EL
POLICE DISTRICT: 10
APPLICANT NAME: CHRISTIE WALKER
APPL. PHONE: (716) 578-2083
APPLICATION NUMBER: 560262
REFERRAL DATE: 11/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 11-17-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR Lt. Dan Poczkal RM# _____ EXT _____

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: INJAZ EXCHANGE

LICENSE TYPE: SECOND HAND DEALER NEW LICENSE 2011
BUSINESS ADDRESS: 465 NIAGARA
BUSINESS PHONE: (716) 578-2083
COUNCIL DISTRICT: EL
POLICE DISTRICT: 10
APPLICANT NAME: CHRISTIE WALKER
APPL. PHONE: (716) 578-2083
APPLICATION NUMBER: 560262
REFERRAL DATE: 11/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12/17/10

DISAPPROVED

DATE:

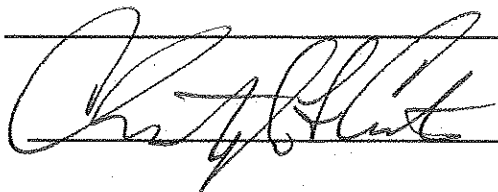
DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

 RM# 313 EXT 4050

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: INJAZ EXCHANGE

LICENSE TYPE: SECOND HAND DEALER NEW LICENSE 2011
BUSINESS ADDRESS: 465 NIAGARA
BUSINESS PHONE: (716) 578-2083
COUNCIL DISTRICT: EL
POLICE DISTRICT: 10
APPLICANT NAME: CHRISTIE WALKER
APPL. PHONE: (716) 578-2083
APPLICATION NUMBER: 560262
REFERRAL DATE: 11/15/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12/17/10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

RM#

313

EXT

405B

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (715) 851-4078 Fax (716) 851-4952

All information on this form is public record

142
AH
560262

BUSINESS LICENSE APPLICATION

☐ Used Car Dealer fee \$262.50

☒ Second Hand Dealer \$118.00

☐ Scrap Processor \$ 78.75

☐ Wholesale Junk Dealer \$262.50

☐ Tire Handler I fee \$118.00
10 -1000 tires

☐ Tire Handler II \$262.50

over 1000 tires; Include NYS Environmental
Conservation Law Part 360; Storage plan and
General Liability Insurance at least \$50,000
both for personal injury and property damage,
must contain 10 day cancellation clause with
the certificate holder as City of Buffalo, Office
of Licenses Room 301, Buffalo NY 14202

Tire Storage Information

Inside Storage ☐ yes ☐ no

Outside Storage ☐ yes ☐ no

☐ Flee Market fee
1-10 tables \$ 78.75
11-25 tables \$155.00
+26 tables \$210.00

Corporation Name

INJAZ Exchange

Business Phone (716) 578-2083

Business Name (dba)

INJAZ Exchange

Business Fax () -

Business Address (no PO Box)

465 Niagara St. Buffalo, NY 14201

Mailing Address (if different)

NYS Tax ID #

27-3792355

Business Website

E-Mail

Owner(s)/ Principal Partners

Applicant (last, first)

Walker, Christie

Home Phone

Home Address: (PO Box not acceptable)

385 Trenton Ave Buffalo, NY 14201

Date of birth

Place of Birth Buffalo, NY

Co-Applicant (last, first)

Home Phone

Home Address: (PO Box not acceptable)

Date of birth

Place of Birth

Describe your specific business activity in detail.

I will be reselling gently used clothing, shoes, purses and some new clothing as well.

Subscribed and sworn to before me
this 9 day of May 2010

Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

Print Name Christie Walker

Signature Christie Walker

Date

142

Mr. Fontana moved:

That the above communication from the Department of Economic Development Permit and Inspection Services dated December 21, 2010, be received and filed; and

That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Christie Walker, d/b/a Injaz Exchange located at 465 Niagara Street.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	*
	*	*	*	*
	*	8	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

To: The Common Council:

Date: December 22, 2010

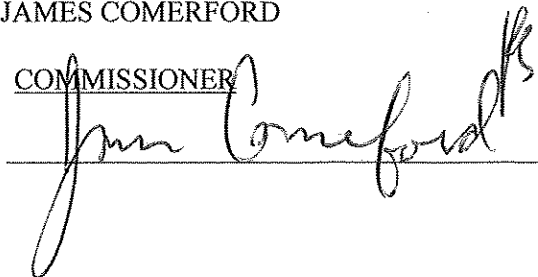
From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Second Hand Dealer
[: 305 West Ferry (Niagara)| Type in Upper and |
| Lower Case Only |[:
[:

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances please be advised that I have examined the attached application for a **Second Hand Dealer License** located at **305 West Ferry** and find that as to form is correct. I have caused an investigation into the premises for which said application for a second hand dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections. I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Dave McNichol. The attached thereto for Dave McNichol d/b/a/SEI Aaron's. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:

JC:PS:jd

Interdepartmental Memo

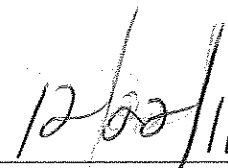
Date: December 22, 2010
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Second Hand Dealer** at 305 West Ferry

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Second Hand Dealer License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date

APPLICATION RELEASE FORM

149
57902TO BE MAILED TO:

Buffalo Police Department
 Identification Section
 74 Franklin Street
 Buffalo, New York 14202

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: DAVID MCNICHOL /MAIDEN NAME _____
 SEX M RACE W
 CURRENT ADDRESS: 110 SPRING MEADOW DR apt #7 Will mail NY 1422
 DATE OF BIRTH: [REDACTED]
 SOCIAL SECURITY #: [REDACTED]
 REASON FOR REQUEST LICENSE FOR Second Hand Dealers

SIGNATURE OF APPLICANT [Signature]DATE 11/2/10

STATE OF NEW YORK)
 COUNTY OF ERIE) SS.
 CITY OF BUFFALO)

On the 2nd day of November, 2010, before me personally appeared

DAVID MCNICHOL, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

2010 NOV - 2 AM 11:00
 BUFFALO POLICE
 DEPARTMENT

[Signature] Notary Public / Commissioner of Deeds
 Commission Expires 12/31/2010

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☐ RECORD ATTACHED

☒ NO RECORD ON FILE

VERIFIED BY: [Signature]
 DATE VERIFIED 11/02/2010

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. **NOT VALID UNTIL STAMPED.**



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (715) 851-4078 Fax (716) 851-4952

All information on this form is public record

BUSINESS LICENSE APPLICATION

150
L# 560235

☐ Used Car Dealer fee \$262.50

☒ Second Hand Dealer \$118.00

☐ Scrap Processor \$ 78.75

☐ Wholesale Junk Dealer \$262.50

☐ Tire Handler I fee \$118.00
10 -1000 tires

☐ Tire Handler II \$262.50
over 1000 tires; Include NYS Environmental
Conservation Law Part 360; Storage plan and
General Liability Insurance at least \$50,000
both for personal injury and property damage,
must contain 10 day cancellation clause with
the certificate holder as City of Buffalo, Office
of Licenses Room 301, Buffalo NY 14202

Tire Storage Information
Inside Storage ☐ yes ☐ no
Outside Storage ☐ yes ☐ no

☐ Flea Market fee
1-10 tables \$ 78.75
11-25 tables \$155.00
+26 tables \$210.00

Corporation Name

SEI

Business Phone (716) 881-1815

Business Name (dba)

Harlow's

Business Fax (716) 881-2290

Business Address (no PO Box)

305 W. Ferry

Mailing Address (if different)

NYS Tax ID #

582162397

Business Website

E-Mail

Owner(s)/ Principal Partners

Applicant (last, first)

McNICHOL, DAVID

Home Phone 716 345686

Home Address: (PO Box not acceptable)

6715 MCINTOSH LN, NORTH TOWN

Date of birth

11/14/12

Place of Birth

Philadelphia

N.Y. 1412

Co-Applicant (last, first)

Home Phone

Home Address: (PO Box not acceptable)

Date of birth

Place of Birth

Describe your specific business activity in detail.

Rental of household goods
Sales & lease to own with cash & carry option

Subscribed and sworn to before me
this 4 day of Nov 20 10

Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

Print Name

DAVID MCNICHOL

Signature

Date

11/4/10

131
Mr. Fontana moved:

That the above communication from the Department of Economic Development Permit and Inspection Services dated December 22, 2010, be received and filed; and

That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Dave McNichol, d/b/a SEI Aaron's located at 305 West Ferry.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

*	*	*
*	8*	*
*	*	0*
*	*	*

FROM THE CITY CLERK

00030

154

No.

Liquor License Applications

Attached hereto are communications from persons applying for liquor licenses from the Erie County Alcohol Beverage Control Board.

Address	Business Name	Owner's Name
1122 hertel ave	The Last Laugh	Sam 7 Buffalo Inc
454 pearl Street	The Blue buffalo	Alsrhb Hospitality
75 West chippewa	Pure	Phez Entertainment

RECEIVED AND FILED

27



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized ORIGINAL APPLICATION NOTICE FORM for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

70-10

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:	1	2	1	8	2	0	1	0		
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD											
2.	Name of the Local Municipality or Community Board:	BUFFALO CITY CLERK									
3.	Street Address of Local Municipality or Community Board:	65 NIAGARA SQUARE (CITY HALL)									
4.	City, Town, or Village:	BUFFALO				NY	Zip Code: 14202				
5.	Telephone Number of Clerk of Local Municipality or Community Board:	7	1	6	8	5	1	5	4	3	1
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE											
6.	Attorney's Full Name is:	CONSULTANT - CHESTER A. MENKIEWA									
7.	Attorney's Street Address:	PO Box 241									
8.	City, Town, or Village:	CHEEKTOWAGA				NY	Zip Code: 14225				
9.	Business Telephone Number of Attorney:	7	1	6	6	2	8	0	1	9	1
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW											
10.	Type(s) of Alcohol to be sold under the License (*X* one):	<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer									
11.	Extent of Food Service: (*X* one)	<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)									
12.	Type of Establishment: (*X* all that apply)	<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input checked="" type="checkbox"/> Other (Specify): Recorded									
13.	Proposed Outdoor Area(s):	<input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):									
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X* one):	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
15.	Application Serial Number:	Pending.									
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	SAM7 BUFFALO, INC.									
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	THE LAST LAUGH									
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:	1122 HERTEL AVE									
19.	City, Town, or Village:	BUFFALO				NY	Zip Code: 14216				
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:	1ST / BASEMENT									
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:										
22.	Business Telephone Number of the Applicant:	7	1	6	8	3	0	5	5	4	4
23.	Business Fax Number of the Applicant:										
24.	Business E-Mail Address of the Applicant:										
25.	IF YOU KNOW Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>									
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED											
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X* one)	Yes <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form.				No <input type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.					
27.	Building Owner's Full Name is:										
28.	Building Owner's Street Address:										
29.	City, Town, or Village:						Zip Code:				
30.	Business Telephone Number of Building Owner:										



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	Pending
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	SAM 7 BUFFALO, Inc.
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	The Last Laugh

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	J SHEPARD INC	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	The CLASS ACT	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3124867	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	ON PREMISES LIQUOR.	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:		I Don't Know <input type="checkbox"/>

10. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License.
Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority.
I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued.
By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

Printed Name

SAM FARRUGGIA

Title

OFFICER.

Signature

X

[Signature]



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board;	1	2	0	8	2	0	1	0				
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD:													
2.	Name of the Local Municipality or Community Board:	City of Buffalo											
3.	Street Address of Local Municipality or Community Board:	1308 City Hall											
4.	City, Town, or Village:	Buffalo					NY	Zip Code: 14202					
5.	Telephone Number of Clerk of Local Municipality or Community Board:	7	1	6	-	8	5	1	-	5	4	3	1
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PRREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE													
6.	Attorney's Full Name is:	Sean J. MacKenzie, Esq.											
7.	Attorney's Street Address:	810 Main Street											
8.	City, Town, or Village:	Niagara Falls					NY	Zip Code: 14301					
9.	Business Telephone Number of Attorney:	7	1	6	-	2	8	5	-	1	5	5	0
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PRREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT BUSINESS IN THE IDENTIFIED ESTABLISHMENT. THE TYPE OF BUSINESS DESCRIBED BELOW:													
10.	Type(s) of Alcohol to be sold under the License (*X* one):	<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer											
11.	Extent of Food Service: (*X* one)	<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input checked="" type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)											
12.	Type of Establishment:	<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons											
	(*X* all that apply)	<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input checked="" type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):											
13.	Proposed Outdoor Area(s):	<input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):											
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X* one):	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO											
15.	Application Serial Number:	N/A											
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	ALSRHB Hospitality, LLC											
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	The Blue Buffalo											
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:	454 Pearl Street											
19.	City, Town, or Village:	Buffalo					NY	Zip Code: 14202					
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:	First											
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:	N/A											
22.	Business Telephone Number of the Applicant:	7	1	6	-	8	5	6	-	2	6	0	0
23.	Business Fax Number of the Applicant:	7	1	6	-	8	5	6	-	2	6	0	1
24.	Business E-Mail Address of the Applicant:	N/A											
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>											
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED													
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X* one)	Yes <input type="checkbox"/> If "YES", SKIP Items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER Items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.											
27.	Building Owner's Full Name is:	Paul Ramunno											
28.	Building Owner's Street Address:	530 Seneca Street											
29.	City, Town, or Village:	West Seneca					NY	Zip Code: 14224					
30.	Business Telephone Number of Building Owner:	7	1	6	-	9	1	3	-	0	0	8	2



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

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1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		1 2 1 2 2 0 1 0	
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD				
2.	Name of the Local Municipality or Community Board:		CITY OF BUFFALO CITY CLERK	
3.	Street Address of Local Municipality or Community Board:		65 NIAGARA SQ. CITY HALL RM. 1308	
4.	City, Town, or Village:		BUFFALO NY Zip Code: 14202	
5.	Telephone Number of Clerk of Local Municipality or Community Board:		7 1 6 - 8 5 1 - 5 4 3 1	
REPRESENTATIVE REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE				
6.	Full Name is:		ABC Consulting & Training	
7.	Street Address:		PO Box 966	
8.	City, Town, or Village:		Hamburg, NY 14075	
9.	Business Telephone Number of:		7 1 6 - 9 2 6 - 8 5 2 5	
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW				
10.	Type(s) of Alcohol to be sold under the License (*X one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer	
11.	Extent of Food Service: (*X one)		<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)	
12.	Type of Establishment: (*X all that apply)		<input type="checkbox"/> Hotel <input checked="" type="checkbox"/> Live Music <input checked="" type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input checked="" type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):	
13.	Proposed Outdoor Area(s):		<input type="checkbox"/> None <input checked="" type="checkbox"/> Rooftop <input checked="" type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):	
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
15.	Application Serial Number:		APPLYING FOR	
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		PHEZ ENTERTAINMENT, LLC	
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name) under which the proposed Licensed Establishment will conduct business is:		PURE	
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		75 W. CHIPPEWA ST.	
19.	City, Town, or Village:		BUFFALO NY Zip Code: 14202	
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		1ST + 2ND FLOOR	
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:		N/A	
22.	Business Telephone Number of the Applicant:		7 1 6 - 8 7 0 - 7 1 7 9	
23.	Business Fax Number of the Applicant:			
24.	Business E-Mail Address of the Applicant:			
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>	
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED				
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X one)		Yes <input type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. No <input checked="" type="checkbox"/> If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.	
27.	Building Owner's Full Name is:		CHIPPEWA DEVELOPMENT INC.	
28.	Building Owner's Street Address:		75 W. CHIPPEWA ST.	
29.	City, Town, or Village:		BUFFALO NY Zip Code: 14202	
30.	Business Telephone Number of Building Owner:		7 1 6 - 8 5 3 - 5 5 5 5	



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
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In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	APPLYING FOR
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	PHEZ ENTERTAINMENT, LLC PURE

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	LEVEL ENTERTAINMENT LLC	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	PURE	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3115372	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	ON PREMISES LIQUOR	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	716-853-5555	I Don't Know <input type="checkbox"/>
40.	If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.		
Printed Name		Title	Signature
Daniel S Valentine		12/10/10	X [Signature]

00031

160

No.

Notices of Appointments - Seasonal/Flat

I transmit herewith certificates received by me, reporting seasonal and flat salary appointments made in various departments.

RECEIVED AND FILED.

28

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

12/13/10

in the Department of

Public Works

Division of

Parks

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Gordon Leigh Dean Sr.**376 Urban St. Apt. 208****Buffalo, NY 14211**

LAST 4 DIGITS OF SSN. XXX-XX-5546

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

BUDGET ACCT. OBJ.

SALARY RANGE OF POSITION

14222001

412002 PROJ. ID

\$11.87

TITLE CODE NO

PERSONNEL REQ. NO

PER YEAR DAY HOUR

9624

2010-93

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

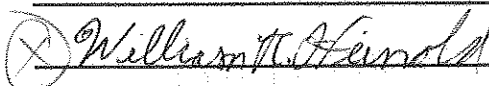
TITLE OF APPOINTING AUTHORITY:

DATE:

Steven J. Stepniak**Commissioner**

11/12/10

SIGNATURE OF APPOINTING AUTHORITY:



ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

12/13/10

in the Department of

Public Works

Division of

Parks

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87 hr.

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Efrain Padilla

36 Heward Ave.

Buffalo, NY 14207

LAST 4 DIGITS OF SSN. XXX-XX-8613

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

14160001

BUDGET ACCT. OBJ.

412002 PROJ. ID

SALARY RANGE OF POSITION

\$11.87

TITLE CODE NO

9624

PERSONNEL REQ. NO

2010-59

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

12/1/10

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

12/14/10

in the Department of

Public Works

Division of

Streets

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87

LAST JOB TITLE Laborer II (Temp)

LAST DEPARTMENT DPW

DATE 12/10

NAME James Legrand

ADDRESS 48 Glenwood Avenue

LAST SALARY

CITY & ZIP Buffalo, NY 14208

LAST 4 DIGITS OF SSN. XXX-XX-2142

LAST JOB TITLE

NAME

LAST DEPARTMENT

DATE

ADDRESS

LAST SALARY

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

15030001

TITLE CODE NO

9624

BUDGET ACCT. OBJ.

412001 PROJ. ID

PERSONNEL REQ. NO

2010-20

SALARY RANGE OF POSITION

\$11.87

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

12/9/10

SIGNATURE OF APPOINTING AUTHORITY:

William R Heimold

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

00032

164

No.

Appointments - Temporary, Provisional or Permanent

I transmit herewith Appointments in the various departments made at the Minimum (Temporary, Provisional or Permanent) (as per contract requirements) .

REFERRED TO THE COMMITTEE ON CIVIL SERVICE.

29

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **December 13, 2010**

in the Department of **Audit and Control**

Division of **Accounting**

to the Position of **Senior Accountant**

Permanent, Provisional, Temporary, Seasonal (Insert one) **TEMPORARY**

Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**

Minimum, Intermediate, Maximum, Flat (Insert one) **FIRST STEP**

(Enter Starting Salary) : Starting Salary of: **\$44,790**

LAST JOB TITLE	Junior Auditor	NAME	Rachael Cox
LAST DEPARTMENT	Audit & Control	ADDRESS	286 East Street
LAST SALARY	37,568	CITY & ZIP	Buffalo, NY 14207
LAST 4 DIGITS OF SSN. XXX-XX-5973			

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	10443001	TITLE CODE NO	0530
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	5123
SALARY RANGE OF POSITION	44,790-50,398	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM: Individual appointed in compliance with Local 650
Bargaining Agreement provisions relative to minimum compensation on appointment.

NAME OF APPOINTING AUTHORITY: **Andrew A. SanFilippo**

TITLE OF APPOINTING. AUTHORITY: **Comptroller**

DATE: **December 13, 2010**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
 #8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

~~December 20~~ **November**, 2010

in the Department of

Parking

Division of

Parking Enforcement

to the Position of

Parking Enforcement Officer

Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one)

PERMANENT

Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one)

OPEN-COMPETITIVE

Minimum, Intermediate, Maximum, Flat, Hourly (Insert one)

MINIMUM

(Enter Starting Salary) : Starting Salary of

\$ 22,070

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Jumanne Pitts**265 Doorhees Ave. #1B****Buffalo, 14216**LAST 4 DIGITS OF SSN. **XXX-XX-6881**

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Mary V. Velasquez**98 Spaulding St.****Buffalo, 14220**LAST 4 DIGITS OF SSN. **XXX-XX-7007**

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

11413001

BUDGET ACCT. OBJ.

411001 PROJ. ID

SALARY RANGE OF POSITION

TITLE CODE NO

5330

PERSONNEL REQ. NO

2010-53

PER YEAR DAY HOUR

YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Kevin J. Helfer

TITLE OF APPOINTING. AUTHORITY:

Commissioner of Parking

DATE:

November 17, 2010

SIGNATURE OF APPOINTING AUTHORITY:

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
 #6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

①

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Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **12/08/2010**
in the Department of **Public Works, Parks & Streets**
Division of **Buildings**
to the Position of **Senior First Class Stationary Engineer**
Permanent, Provisional, Temporary, Seasonal (Insert one) **TEMPORARY**
Appointment, Promotion, Non-Competitive (Insert one) **APPOINTMENT**
Minimum, Intermediate, Maximum, Flat (Insert one) **FLAT**

(Enter Starting Salary) : Starting Salary of: **\$15.00**

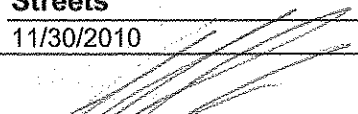
LAST JOB TITLE	Sr. 1st CI Stationary Engineer	NAME	Brian Leonard
LAST DEPARTMENT	Buildings	DATE	06/11/10
LAST SALARY	\$15.00	ADDRESS	34 Ward Court
		CITY & ZIP	Buffalo 14220
	LAST 4 DIGITS OF SSN. XXX-XX-9664		

LAST JOB TITLE		NAME	
LAST DEPARTMENT		ADDRESS	
LAST SALARY		CITY & ZIP	
	LAST 4 DIGITS OF SSN. XXX-XX-		

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	13296001	TITLE CODE NO	832J
BUDGET ACCT. OBJ.	412002	PERSONNEL REQ. NO	2010-12
SALARY RANGE OF POSITION	\$15.00	PER YEAR DAY HOUR	HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Steven J. Stepniak**
TITLE OF APPOINTING. AUTHORITY: **Commissioner of Public Works, Parks & Streets**
DATE: **11/30/2010**
SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET
#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

NON-OFFICIAL COMMUNICATIONS, PETITIONS AND REMONSTRANCES

NON-OFFICIAL COMMUNICATIONS



Common Council

City of Buffalo

RICHARD A. FONTANA
MAJORITY LEADER

LOVEJOY DISTRICT COUNCIL MEMBER

65 NIAGARA SQUARE, 1414 City Hall
 BUFFALO, NY 14202-3318

PHONE: (716) 851-5151 ♦ FAX: (716) 851-5141

CHAIRMAN

BUDGET COMMITTEE
 POLICE OVERSIGHT COMMITTEE

COMMITTEES

CIVIL SERVICE
 CLAIMS
 COMMUNITY DEVELOPMENT
 EDUCATION
 LEGISLATION
 MBEC
 RULES

SENIOR LEGISLATIVE ASSISTANT

ROSETTA J. KENNEDY

LEGISLATIVE AIDE

BRYAN BOLLMAN

12/15/2010

Gerald Chwalinski
City Clerk
1308 City Hall
Buffalo, NY 14202

CONCERNS -
 INTERSECTION
 VANDERBILT AND BENZINGER

Mr. Chwalinski:

Please file the attached item for the upcoming meeting of the Common Council on December 28, 2010.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rich Fontana".

Richard A. Fontana
Majority Leader

RAF:tjo

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Councilmember Fontana

From: Tommy Cone
Sent: Wednesday, September 01, 2010 7:12 PM
To: Councilmember Fontana
Subject: Putting a Four way stop signs at the corner of Vanderbilt St and Benzinger St in Lovejoy
Categories: Red Category

Dear Mr. Fontana,

The intersection of Vanderbilt Street and Benzinger Street in Lovejoy is a dangerous intersection. I moved into 78 vanderbilt Street four years ago. The first night I moved in, I was awoken to an accident on the corner. a tow truck hit a truck passing through the intersection. Every day I hear the horns of people going through the intersection who almost get into accidents. I seen about 5 accidents in my time here. I've witnessed many other near accidents. There are not nearly as many accidents on other intersections, such as the corners of ideal street and vanderbilt street, as well as gold street and vanderbilt street. I have a little girl, and I fear for her safety at this intersection. Going east and west there are no stop signs, north and south there

are. But given the surrounding streets there is no way to tell that. All the surrounding intersections have four way stops. I especially am fearful for friends and family who come to visit me and other neighbors because they don't know who has stop signs and who doesn't. I am asking that 2 additional stop signs be put in in the east and west locations. I am prepared to go door to door

and get signatures if it comes to this, but I am confident in you that you can get this done without having to resort to petitioning. Thank you for your time.

Most Sincerely,

Thomas R Cone 3rd

REFERRED TO THE COMMITTEE ON LEGISLATION AND
THE DEPARTMENT OF PUBLIC WORKS

December 22, 2010

Via Certified Mail Return Receipt Requested

Buffalo City Hall
65 Niagara Square, Room 1308
Buffalo, New York 14202
Attn: Gerald Chwalinski - City Clerk

Re: General Project Plan - Canalside Land Use Improvement Project

Dear Mr. Chwalinski:

Pursuant to Sections 10 and 16 of the Urban Development Corporation Act, enclosed for filing with the City Clerk's Office is a copy of the General Project Plan which was adopted on December 18, 2009 and affirmed on December 16, 2010 by the Board of Directors of the Urban Development Corporation d/b/a Empire State Development Corporation ("ESDC").

Please feel free to contact me at 716-846-8257 should you have any questions.

Sincerely,


Stephen Gawlik
Vice President & Senior Counsel

**REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.**

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Modified General Project Plan

New York State Urban Development Corporation d/b/a Empire State Development Corporation

**Canal Side
Land Use Improvement Project**

Adopted December 18, 2009

Affirmed December 16, 2010

A. Introduction

The Canal Side Land Use Improvement Project (the "Project") has been established as a project under the New York State Urban Development Corporation Act (the "UDC Act"). The Project is being undertaken by the New York State Urban Development Corporation ("UDC") d/b/a the Empire State Development Corporation ("ESDC") and the Erie Canal Harbor Development Corporation ("ECHDC"), a subsidiary of UDC. The City of Buffalo (the "City") and the County of Erie (the "County") are also participating in the development and implementation of the Project. The ESDC is adopting this Modified General Project Plan ("MGPP") in accordance with the UDC Act and is empowered to undertake the Project as a land use improvement project because the area of the Project is located in a substandard or blighted area; the Project consists of a plan for the reconstruction and rehabilitation of the area for recreational and other facilities; and the Project affords maximum opportunity for participation by private enterprise. Support for these findings is discussed herein.

The General Project Plan ("GPP") was initially adopted on December 18, 2009 and affirmed on March 26, 2010. The GPP included, as part of the plan, the development of a major Bass Pro store on the northern portion of the block bounded by Lower Terrace to the north; Pearl and Commercial Streets to the west; Marine Drive to the South; and Main Street to the east (referred to as the "Aud Block" because it was the site of the former Buffalo Memorial Auditorium). Bass Pro has recently withdrawn from the Project. As a result, ESDC and ECHDC have opted to advance the Project in phases, with the first phase consisting of various infrastructure and public improvements detailed below. This first phase of the Project was part of the GPP previously adopted. This MGPP will be further amended to reflect future development in the Project area to the extent it significantly deviates from the GPP including the type of development to take the place of the Bass Pro store on the Aud Block.

The Project will consist of various public improvements along the Buffalo waterfront that will be designed to emphasize downtown Buffalo's connection to the Lake Erie waterfront through the construction of a network of interpretive water elements evoking the character and vibrancy of the historic canals that once crossed the area, including segments of the Erie Canal, the Commercial Slip, and the Prime Slip. The Project will ultimately provide various year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural

attractions, vast public spaces, and increased access to the Buffalo River, appealing to a wide demographic of visitors and residents.

The Project Area is adjacent to the Commercial Slip area and the Naval and Military Park, each recently redeveloped by ESDC and ECHDC as part of the decades-long effort led by the City, ESDC and many other stakeholders to create a vibrant Erie Canal Harbor area. These planning efforts by ESDC began in earnest with the development of a master plan for the waterfront in 1999 ("1999 Master Plan") and continued with the establishment of ECHDC in 2005 as a subsidiary development agency with a singular focus on redevelopment of Buffalo's downtown waterfront. Since its creation, ECHDC has facilitated the next phase of waterfront development by guiding design and development of the Project, including negotiations and planning to attract national and local retailers and engage a private developer(s).

This MGPP envisions that ECHDC will be primarily responsible for the development of public amenities and public spaces as part of the first phase of development. Public amenities include the Canals and towpaths, and related improvements. See *Exhibits A and B*. The majority of the commercial, residential, entertainment, recreational, and cultural developments described herein will be undertaken by a private developer(s) in later phases of the Project.

B. Project Location

The Project is located on approximately 20 acres of vacant, substandard or underutilized land in downtown Buffalo (the "Project Area"), and is generally bounded by the following streets:

- On the north by Upper Terrace and Exchange Streets and Perry Boulevard;
- On the east by Washington Street and Seymour H. Knox III Plaza;
- On the south by Perry Street and Buffalo River; and
- On the west by Erie Street, Marine Drive, and Pearl and Commercial Streets.

A parcel plan for the development of individual parcels within the Project Area is attached hereto as *Exhibit A*.

C. Project Goals

The ESDC seeks to foster economic growth and expand public use and enjoyment of the Erie Canal Harbor area through the implementation of a 20-acre mixed-use real estate development project. Currently, the general setting of the Project Area is characterized by several vacant, unvegetated lots, surface parking lots, and the vacant Donovan Building, all framed by the existing city street grid and a combination of transportation infrastructure elements (i.e., elevated highway and transit mall). Surrounding the Project Area are various buildings (i.e., HSBC Arena, HSBC Atrium, the Buffalo News Building, Maine Drive Apartment complex, and Naval Park buildings) of different uses, heights, styles and designs. The Project Area's current condition serves to visually disconnect these adjacent areas from recent investments in the Erie Canal Harbor and Buffalo River shoreline.

The principal goal of the Project is to transform the vacant and underutilized Project Area into a vibrant mixed-use, year round setting for family-oriented uses, including sports, entertainment, cultural, residential, commercial and recreational uses. The Project will build upon the public development framework established through recent and committed public infrastructure investments such as the Commercial Slip, enhancements to Naval Park, and reestablishment of portions of the former street grid (e.g., Prime, Lloyd, Hanover Streets). Also, the Project will enhance public access and use of the downtown waterfront, including multimodal connections to transit, bicycle, pedestrian and waterborne networks.

In addition to creating a densely developed area with a mix of amenities and open space on parcels that have been vacant and underutilized for decades, the Project aims to provide for the following public uses and purposes:

- Strengthening and/or establishing the visual and physical connection between adjacent downtown destinations (e.g., Buffalo River, HSBC Arena, Waterfront Village, and Naval Park).
- Providing ample, visually interesting, and diverse public spaces encouraging year-round use.
- Maximizing area development potential by consolidating surface parking spaces into structured parking.
- Creating an urban, mixed-use setting that builds upon and complements the 2004 Erie Canal Harbor Master Plan ("2004 ECHMP") urban design guidelines set forth in the City's Waterfront Urban Renewal Plan, as amended.
- Promoting and incorporating architectural elements that celebrate and interpret the historical significance of the Erie Canal and its terminus on the 12.5-acre Erie Canal Harbor Project site, as provided for in the 2004 ECHMP.
- Creating tenant spaces suitable for a mix of uses, including office space, hotel space, ground level retail and community facility spaces, to ensure that Buffalo can capture its share of future economic growth and new jobs.

In achieving these goals, the Project will serve a strong public need and will result in noticeable benefits to the local community, including enhanced services and facilities. This critical mass of retail, services and recreation opportunities located on Buffalo's waterfront will attract not only residents of Western New York but also tourists from outside the area. Coupled with the public enhancements and developments that are envisioned under this MGPP, it is anticipated that a year-round community will be created that will enliven and invigorate an underutilized area of the City.

The Project is also intended to boost the City's economy by developing temporary construction work and significant permanent employment opportunities that will expand the local economy. Also, the Project will generate local tax revenue (either directly or through Payments in Lieu of Taxes [PILOTS]) within an area that has been largely dormant for years. The Project will also create new commercial and residential development within the Project Area. Rather than compete with viable existing commercial and residential development in and around the Project Area, the presence of new development should lead to increased property values and the potential for additional new development in surrounding areas.

D. Project Description

1. Overview

The Project is the next major stage in a decades-long process of waterfront planning and development to create a hub of activity that supports increased economic development opportunities in the Erie Canal Harbor and its surroundings as well as a livable community environment that provides year-round entertainment and recreational activities. Long before the 1999 Master Plan, waterfront redevelopment had been an important priority for the community. In the 1960's a comprehensive Urban Renewal Plan was prepared and adopted for the City's designated Waterfront Redevelopment Project ("Waterfront Urban Renewal Plan"). In the late 1970s, further planning efforts led to the opening of the original Naval Museum. In the 1980s, the Niagara Frontier Transportation Authority's ("NFTA") Light Rail Rapid Transit system ("Metro Rail") was completed, and the downtown transit/pedestrian mall along Main Street was constructed. During this same period, the Horizons Waterfront Commission was formed to lead waterfront planning and development efforts. Each of the development projects completed under these prior planning efforts, from construction of HSBC Center and the Buffalo News building, to the HSBC Atrium and the HSBC Arena, has helped to create the foundation upon which Canal Side is being planned. Thus, while Canal Side is a new project and the first major undertaking for ECHDC, it is the next phase in a decades-long effort led by the City, ESDC and many other stakeholders to create a vibrant Erie Canal Harbor area, an asset of which the entire community can be proud.

Design Guidelines

To create an attractive, cohesive atmosphere that reflects the City's unique history and provides visual interest, Design Guidelines will apply to all development parcels within Canal Side. See *Exhibit C*. The Design Guidelines provide for a general consistency of design intent, communicated through standards concerning such features as fenestration, materials, color, scale, lighting and signage. The Design Guidelines also encourage visual interest throughout the Project Area, achieved through a variety of forms and materials. At full build-out, the Project will have of a variety of buildings and spaces that have been built over time by different owners and designers. Several core principles served as a framework for various aspects of the Design Guidelines throughout the evolution of the Project including:

- Reconnecting downtown Buffalo to its waterfront through a new, vibrant mixed-use neighborhood;
- Celebrating the best Buffalo has to offer, and creating places that are first and foremost for the residents of the City and their families;
- Creating a new development pattern that is focused around a network of "places" which include a revitalized Main Street, active waterfront, and series of canal water features;
- Providing places for activities and special events for all seasons, using the seasonal climate changes as an advantage to offer a diversity of options;
- Referencing and interpreting Buffalo's historic waterfront and the Erie Canal;

- Emphasizing the pedestrian experience, while offering parking that is convenient, easy to access, and does not dominate views or land use; and
- Incorporating appropriate details during Project phasing, so the Project feels complete from the beginning, despite a multi-year schedule.

The Design Guidelines will be implemented through a review procedure by the ECHDC Board of Directors ("Board") with the help of the Canal Side Design Committee ("Design Committee"). The Board will appoint three persons to the Design Committee, with input from the Mayor of the City of Buffalo. Design Committee members will be knowledgeable in matters pertaining to architectural design and historical context as it relates to Canal Side. The Board will refer site plans for each proposed development within Canal Side to the Design Committee for its evaluation and recommendation. The Board will consider the Design Committee's recommendation prior to the approval or disapproval of any proposed development in Canal Side and may consult with the Design Committee on any issues related to design or planning within Canal Side. The Aud Block development, Donovan Block, Webster Block and public infrastructure within the Project's 20+/- acres, as well as subsequent phases will be presented to the City of Buffalo Planning Board for a review of consistency with the Design Guidelines.

As described below, the MGPP allows for the potential relocation of HSBC offices to the Project Area including a potential large commercial office building on the Webster block. In the event that HSBC locates operations to Canal Side and/or the Webster Block is developed to include HSBC offices, the Design Guidelines may be modified by the Board, with the input of the Design Committee, to accommodate requirements of HSBC.

Sustainability

As the Project design has progressed, ECHDC has explored the applicability of sustainable design principles to the Project to mitigate its environmental impacts to the extent practical and feasible. Strategies for integrating sustainability concepts into the Project were presented in a Sustainability Report that was included with the Draft Generic Environmental Impact Statement ("DGEIS") for the Project pursuant to the requirements of the State Environmental Quality Review Act (SEQRA). To implement the ideas explored in the Sustainability Report and in response to public comments received on the DGEIS regarding sustainability, ECHDC will require that all Project buildings become LEED® certified, with a goal of achieving a LEED® Silver rating. LEED® (Leadership in Energy and Environmental Design) certification provides independent, third-party verification that a building project meets the highest green building and performance measures. LEED®-certified buildings are designed to lower operating costs, reduce waste sent to landfills, conserve energy and water, be healthier and safer for occupants and reduce harmful greenhouse gas emissions. These benefits are achieved by incorporating certain design, mechanical, and structural features into a building. These features are quantified as credits, and the more credits a project has, the higher the LEED® rating. These measures will help to reduce the Project's impact on Buffalo's combined sewer system, particularly concerns about sewer overflow, demand on utility infrastructure and impact to water resources, in addition to improving the quality of the Canal Side experience for those living and working at Canal Side.

LEED® certification will also implement the State's energy conservation policies, articulated in Executive Orders 111 and 4. Executive Order 4 requires State agencies to procure sustainable materials such as recycled/recyclable materials and implement policies to reduce waste, conserve water, and utilize renewable energy sources, to the extent practical. Executive Order 111 requires state agencies and public benefit corporations to achieve a reduction in energy consumption by all buildings they own, lease or operate of 35 percent by 2010 relative to 1990 levels. Certain structures in the Project will be owned and operated by ECHDC; therefore they will be subject to the requirements of Executive Order 111. Accordingly, specific measures will be integrated into the Project so that the Project will qualify for LEED®-certification and meet State policy goals.

Open Space

At full build out, the Project will include expanded and enhanced publicly accessible open space and recreational opportunities in and adjacent to the Project Area. Such opportunities will include the following.

- Water features (e.g., canals) providing year-round water uses such as ice skating, unique row boats, and, will be lined with expansive towpaths, barges, benches and lighting providing a unique setting for outdoor cafés and retail shops.
- An extended Central Wharf will stretch to South Park Avenue connecting the Project Area to the Buffalo River trail system.
- The Prime Slip canal, as an interpretive water feature, will link the Central Wharf with the Aud Block, expanding pedestrian opportunities for exploring the Project Area. This water feature will complement existing interpretive elements at the Erie Canal Harbor.
- The Skyway Plaza, located in the space underneath the Skyway stretching to the Commercial Slip parcel, will be dedicated to seasonal events, artistic expression and seasonal retail kiosks.
- Sidewalks and bicycle lanes will connect into existing systems linking the Project Area to other city- and region-wide resources.

Parking Program

Parking in the Project Area will be consolidated within several parking garages, with a few small surface lots and a limited number of on-street parking options also available. It is expected that the parking structures will be operated by ECHDC or its designee. The parking areas are described herein with reference to the Parcel Plan set forth in *Exhibit A*. In total, between 2,400 and 2,600 parking spaces will be provided within the Project Area.

The Commercial Slip Parking Garage, to be constructed on the current Marine Drive Apartments' surface lot, is the largest of the proposed parking garages with six levels and approximately 1,280 spaces. On the Aud Block, potentially a one-level garage will be developed with the capacity that more development and/or a three-level garage may be developed once further developments on that site are identified. This parking garage will be accessed by two entries, one from Main Street and one from Lower Terrace. An approximately two-level,

parking deck will be built on the north and east sides of the existing Donovan Building to provide on-site parking to Parcel D1. This parking garage will be accessible from Washington Street.

Approximately 100 spaces will be provided within the Project Area for off-street surface parking. Spaces will be provided on Parcel T3 which is under the Skyway access ramps at Pearl Street and Perry Boulevard and on Parcel T1 under the Thruway. Both of these areas currently serve as gravel surface parking lots. Additional surface spaces will be provided on Parcel T2.2. Finally, a new surface lot will provide support parking facilities for the waterfront boutique hotel at the terminus of Prime Street.

In terms of on-street parking, it is anticipated that approximately 35 spaces will be available along Marine Drive; approximately 13 spaces will be available along Hanover Street; approximately ten spaces will be available along Prime Street; approximately five spaces will be available along Perry Street; and approximately 38 spaces will be available along Main Street. Parking along Main Street, however, is contingent upon the final design for the Main Street Multi-Modal Access and Revitalization Project ("Cars on Main Project") currently being undertaken by the NFTA, the City and others.

2. Phase 1 Construction

The following specific components of this MGPP will be constructed in Phase 1 of the development by ECHDC with reference to the parcel numbers provided in *Exhibit A*¹. Prior to construction of anticipated future phases of the Project as referenced below, the Corporation will amend this MGPP as may be needed to reflect such proposed developments.

Street-level Canal System

Public canal features will be constructed by ECHDC on the Aud and Donovan Blocks. On the Aud Block will be street-level water features interpreting the alignment of the Erie Canal and Commercial Slip, which once crossed the Aud Block. Based on public comment received by ECHDC from various public hearings and forums, the canal system will be designed/redesigned to ensure the system's materials, alignment and depth are as historically accurate as feasible taking into account outside factors, including, financial constraints, construction limitations due to the Skyway, elevation changes, security concerns, operation and maintenance issues regarding the Hamburg drain and requirements of the Americans with Disabilities Act. A revised conceptual layout of the public canal system is attached as *Exhibit D*.

The street-level canal system west of Main Street will consist of narrow water bodies that will emulate the original Erie Canal system. Several "barges" will be "anchored" in the canals. ECHDC consulted with the Buffalo Maritime Center on the design and historical accuracy of the

¹The description of specific components provided herein (both public and private improvements) reflect current Project plans. It is noted that details may differ somewhat from the Project description of the Project provided in the DGEIS which was adopted on September 17, 2009. Project plans have been revised since the adoption of the DGEIS based on comments received on the DGEIS as well as continuing design refinement associated with the initial Project build-out.

anchored barges. Anticipated summertime uses will include unique row boats for rent. During winter months, a portion of the canals will be used for ice skating. Water depth for the canals will be approximately three to four feet.

South of the remodeled Donovan Building will be a “dry” canal bed, interpreting the former Hamburg Canal serving as the focal point of an Entertainment District and public gathering space, where waterfront restaurants and nightlife will be located. This section will evoke the feeling of an old canal where the water was drained out and barges settled to the bottom. It is anticipated that the dry canal will be designed as a sustainable garden. Surrounding the East Canal on this block will be wide boardwalks for pedestrian and commercial use.

3. Future Phases

The following are specific components that are anticipated to be constructed at Canal Side in later phases of the Project. Prior to the construction of any such developments, the Corporation will amend this MGPP as may be needed to reflect such proposed developments.

a. Public Improvements

Aud Block Parking Structure (A1)

On the Aud Block, bounded by Lower Terrace, Pearl Street, Main Street, and Marine Drive, ECHDC may construct an underground one-level, approximately 177 space parking structure, that will be constructed in a manner that will allow for vertical expansion at a later date to increase capacity to accommodate additional cars and/or to support future developments to be located directly above. The ultimate decision as to whether to build the structure will depend on future development plans on the A1 parcel.

Canal Side Hall (A3)

Canal Side Hall is currently envisioned to be a single level public marketplace that, while being on the A3 parcel, will have access to the developments on the Aud Block and along Marine Drive. Canal Side Hall is designed to embrace Buffalo’s rich “old” and “new” food culture. Local, regional foods, both prepared and raw, will be showcased at Canal Side Hall. It will also be designed to accommodate large events and private parties. Preliminary studies have been completed on the merchant mix and operations of the Canal Side Hall. A draft merchant list includes a casual café, deli, wine bar, chocolate store, bakery, sausage and hot dog counter, diner, cookware store, brew pub, and ice cream shop. Ultimately the marketplace will be owned and operated by ECHDC or its designee.

b. Private Improvements

Parcel A1

This parcel, located on the Aud Block, was previously designated for the Bass Pro Store. The parcel may initially include a one-level, approximately 177 space parking garage that will be constructed to support additional parking levels and/or anticipated mixed retail developments on top. Additional parking levels, if any and future developments on this parcel are not addressed in this MGPP.

Donovan Block (Parcels D1 and D3)

The Donovan Block will be bounded by the Thruway, Washington Street, Main Street, and Scott Street. To the east and north of the existing Donovan Building, surface parking will be maintained, along with a one-story parking structure built above it by a private developer(s). This parking area will provide off-street parking for on-site use. This block will feature the Donovan Building, renovated by a private developer, which will be augmented and clad in a style consistent with the Design Guidelines and will be reused to house retail, office, and/or hotel space. The remodeled Donovan Building will have the ground story extended to eliminate most of the setbacks that currently surround the building. Located at the eastern terminus of the East Canal will be one of the iconic elements of the Project, a Liberty Pole similar to the 1838 original, constructed to symbolize American independence.

While the proposed Project assumes the reuse of the existing Donovan Building, an option still being considered will include the demolition of the Donovan Building in order to construct a new parking garage with ground floor retail, residential units, and possible office and hotel uses above. On the South Donovan Block, across the dry canal bed feature from the Donovan Building, will be an additional development parcel constructed by a private developer(s) with first-floor retail space and residential units on the upper floors.

Webster Block (Parcel W1)

The Webster Block is bounded by Scott Street, Washington Street, Perry Street and Seymour H. Knox III Plaza. With the Metro Rail easily accessible, this district will provide a welcoming gateway into the Project Area to those coming from other areas of Buffalo to work, live and play. An option being considered for the Webster Block is creating an office tower on Scott Street, a residential structure fronting on Main Street, and consolidating the hotel program in a tower above. Also under consideration is the development of a large commercial office building to house HSBC operations (and possibly other tenants). In the event HSBC decides to relocate from its existing locations in Buffalo and/or elsewhere to Canal Side, the Design Guidelines may be amended to reflect certain requirements of HSBC, including, for example, a taller building with more density and possibly pedestrian bridges over public rights of way to other buildings in the surrounding area.

Erie Canal Harbor Parcels (Parcels E1 – E11)

Riverfront Parcels (Parcels E1, E8 and E9)

The Riverfront Parcels will front on the Buffalo River, and will be located on the south end of the Central Wharf. They will include possibly a boutique hotel building or other appropriate waterfront development constructed by a private developer(s) and smaller structures. The Riverfront District will include ample open public space for a variety of recreational activities and public events, including an extension of the existing seasonal, floating docks at the Central Wharf. The additional floating docks will be accessed by the moveable gangway from the Central Wharf

Prime Slip Parcels (Parcels E2-E7)

The Prime Slip Parcels will be developed by a private developer(s) to accommodate a mix of uses centered on a water element evoking a re-watered Prime Slip and will be bordered by Lloyd Street, Marine Drive, Main Street and Prime Street. Streets will cross the Prime Slip water element at Prime Street and Marine Drive to facilitate vehicular and pedestrian movement, offering a “bridge-like experience”. Small-scale shops, community gathering space, cultural institutions, and restaurants will dominate the area. On the parcels between Lloyd and Hanover Streets, development devoted to ground-level retail with office above will straddle the Prime Slip on each side of the Skyway.

Similarly, the development on the block between Hanover and Perry Streets will potentially house ground-floor retail and cultural mix with office space above. On the other side of the Skyway will be a complex of buildings, which will contribute to the Main Street District’s neighborhood atmosphere by housing a mix of uses with ground-floor cultural and retail. It is anticipated that on-street parking spaces will be located on Prime, Hanover, West Perry and Main (between Scott and Perry) Streets.

Commercial Slip Block (Parcels C1, C2.1, C2.2, C2.3)

This block is located at the juncture of Marine Drive, Commercial Street and Perry Boulevard. At that corner, fronting on Marine Drive and Commercial Street, will be a development parcel with a retail base, and a variety of potential uses above including office, hotel, and/or residential. Behind the building will be the Commercial Slip Parking Garage situated over private surface parking for residents of the Marine Drive Apartments.

Stretching from the Commercial Slip Garage to the terminus of Seymour H. Knox III Plaza (a.k.a. Main Street), the Skyway Plaza will utilize the cover of the Skyway deck to provide a year-round place for vendors to sell goods and produce at seasonal kiosks. NYSDOT has been and will continue to be consulted with respect to all uses and improvements under the Skyway.

“Under-Thruway” Blocks (Parcels T1.1, T1.2, T2.1, T2.2, T3)

Lastly, underneath the Thruway at the northern-most end of the Project Area are two parcels on either side of Main Street that will provide opportunities for additional parking and perhaps some

retail use. It is anticipated that on the parcel at Main Street and Lower Terrace will be a small structure for retail use and an adjoining surface parking lot that could accommodate 25 surface parking spaces. On the opposite side, east of Main Street there will be another small structure for retail use with an adjoining surface parking lot that could accommodate approximately 20 vehicles.

4. Street Access

The street pattern within the Project Area will remain largely unchanged. Where feasible, all streets will facilitate two-way vehicular traffic. Lower Terrace (between Pearl and Main Streets) will be abandoned by the City, and subsequently closed to traffic and incorporated into the Under-Thruway Blocks.

5. Main Street Multi-Modal Access and Revitalization Project ("Cars on Main Project")

There are a number of projects in various stages of development within and adjacent to the Project Area. However, these projects are not included within Canal Side and are being undertaken or contemplated by others. A project related to Canal Side but independent and not included within this MGPP is the Cars on Main Project. The City, NFTA, NYSDOT and Buffalo Place, Inc. are proposing to reopen a 1.2-mile-portion of Main Street, between Tupper Street and Scott Street/Marine Drive, to vehicular traffic as part of a strategy to improve downtown access and support revitalization efforts for Buffalo's downtown core. Main Street in downtown Buffalo was closed to vehicular traffic with the completion of the Metro Rail system and pedestrian/transit mall in 1984. After several years of study and consultation with numerous stakeholders and interested parties, the concept of sharing the Metro Rail track bed with vehicles between Tupper Street and Scott Street/Marine Drive emerged as the preferred design solution.

The sponsors for this project have completed an Environmental Assessment under NEPA and published the Notice of Completion in March 2009. FTA, as federal lead agency for this project, issued a Finding of No Significant Impact in October, 2009. Final designs for each segment of the 1.2-mile-portion of Main Street affected by this project have commenced. While the two projects must relate well together, the Cars on Main Project and Canal Side Project are independent projects being undertaken by different entities. Thus, it is appropriate that these projects be evaluated through separate channels and the Cars on Main Project is not an action that is a part of this MGPP. Nevertheless, Project maps include ECHDC's latest understanding of the proposed design for the Cars on Main Project through the Project Area.

E. Project Funding

The Project budget for Phase 1 is currently estimated at **\$48,148,244**. Funding Sources and Uses for Phase 1 and the future phases are set forth below:

1. Anticipated Funding Uses

Canal Side Funding Uses- Phase 1 Development	
Public Infrastructure- Canals & Towpaths	\$37,193,623
Public Infrastructure- Sub-Mechanical Basement	\$1,854,621
Miscellaneous ²	\$1,300,000
Design Contingency	\$5,000,000
Soft Cost	\$2,800,000
Phase 1 Project Cost:	\$48,148,244
Canal Side Funding Uses- Future Phases	
Public Infrastructure	\$17,104,165
Aud Block Parking Garage- One Level	\$7,496,058
Commercial Slip Parking Garage	\$24,503,000
Streets Project	\$6,148,220
Prime Slip	\$3,000,000
Soft Cost	\$3,150,000
Floating Docks	\$600,000
Canal Side Development Allocation ³	\$35,000,000
Parking at Donovan and Webster Blocks	\$4,800,000
Tenant Allowance ⁴	\$4,000,000
Private Development	\$140,880,000
Total Project Cost:	\$294,829,687

² The Miscellaneous line item is allowances for artwork, historic barges, signage, and graphics.

³ These funds were previously allocated to the development of the Bass Pro Store on the A1 Parcel of the Aud Block. No determination has been made as to how these funds will be used with respect to the Canal Side project.

⁴ Allowance is for an incentive to attract a tenant and/or tenants to the Project Area

2. Anticipated Funding Sources

Canal Side Funding Sources		
New York Power Authority	\$105,000,000	NYPA has agreed to provide an Industrial Incentive Award with a revenue stream of \$3.7million over 20 years; and a Relicensing Agreement revenue stream of \$4.7million over 20years- both revenue streams will be bonded for estimated total net revenue of \$105million.
New York State ⁵	\$21,000,000	Currently being reprogrammed for Canal Side activities.
ESDC- Blueprint	\$5,000,000	Award was made by ESDC via an Incentive letter on March 10, 2010
Federal Transit Administration	\$11,800,000	Once FONSI is issued for the Commercial Slip Garage project, FTA funding will be awarded.
Federal Highway Administration	\$11,300,000	Funding approved pursuant to Greater Buffalo-Niagara Regional Transportation Council's 2008-2012 Transportation Improvement Program
Private Development	\$140,880,000	Private investment expected upon full-build out is based on the square-footage of the development.
Total Project Funding:	\$294,980,000	

The Canal Side Project once fully built out, is currently estimated to cost approximately \$300 million. The Project cost consists of public and private investment, as described above in the project description. ECHDC estimates \$154,100,000 of public investment towards the full build out of the Project. The Project will be funded by various government agencies, including the New York Power Authority, Federal Transit Administration, Federal Highway Administration, New York State, Empire State Development Corporation Blueprint Grant, with the majority of the funding from the New York Power Authority.

⁵ New York State previously allocated the \$21 million for the Bass Pro Store. It is expected that the \$21 million will be reprogrammed to Canal Side activities. ECHDC will use a combination of the NYPA Relicensing Agreement, New York State funding, and the ESDC Blueprint Grant to fund Phase 1 of this MGPP. Final allocations of these sources may differ from the sources table above.

3. Operations and Maintenance

The Operations and Maintenance Budget for the full build out of Canal Side is currently estimated to be \$2,362,006 annual expenditure for administration, security, maintenance and repairs, utilities, events, and insurance. The payment for the Operations and Maintenance will come from multiple sources: 1. Common Area Maintenance ("CAM") charges, and 2. Parking Garage revenue. To off-set the costs of operating and maintaining the entire Project Area, a portion of the administration, security, maintenance and repairs, utilities, and insurance costs will be charged to the tenants at Canal Side. The CAM charges will be based on the square-footage of the tenant's space. The operations and maintenance of Phase 1 on the Canal Side development is estimated to cost approximately \$400,000. These costs are built into the Soft Costs of Phase 1 funding uses. The cost to operate and maintain the public infrastructure will be funded by the available funding sources until the anticipated CAMs and parking garages begin to generate revenue in the future phases of development.

The Operations and Maintenance program will directly cover the Central Wharf;; Commercial Slip Parking Garage; Below Grade Parking Garage, Surface Parking Lots; and the Canal Side Buildings, Walkways, and Canals. ECHDC assumes the Canal Side Project will require the services of 8 full-time employees that will comprise of administration staff, security personnel, and maintenance labor. The maintenance and repairs will consist of, but not limited to, the following: sweeping, snow plowing, salting and snow removal, storm drainage system maintenance, landscaping and pest control, cleaning services, materials and supplies, maintenance equipment, general building repairs, trash removal and recycling, light poles and lamps, and sidewalk maintenance and repairs for the entire Project Area. The Utilities are developed based on comparable sites and square-footage. The Events budget was modeled after ECHDC current contract with Buffalo Place, Inc. at the Central Wharf. The Insurance was based on comparable properties.

F. Site Ownership, Lease Structure

The Project Area is currently owned by various State and local governmental agencies including ECHDC, the New York State Thruway Authority, the New York State Department of Transportation, the City, the Buffalo Municipal Housing Authority and the Buffalo Sewer Authority.

It is anticipated that ECHDC will acquire control of all parcels within the Project Area either through direct acquisition, long term lease, license or easement as necessary to complete the Project. The City will continue to own all public rights-of-way

ECHDC will convey, or lease with an option to purchase at nominal consideration, on a parcel by parcel basis, all parcels designated for office, retail, hotel, residential, or cultural development to a private developer(s) which shall be obligated to complete the applicable development for such parcel as set forth herein. Prior to the conveyance of any property, private developer(s) shall be required to provide ECHDC with an acceptable financing plan for the applicable parcel and, prior to the commencement of construction, a completion guaranty in form reasonably acceptable to ECHDC. Upon completion, each development entity will be obligated to pay real

property taxes and/or make payments-in-lieu-of- taxes. Each development entity will also be obligated to make common area maintenance charges on an equitable basis with other development entities within the Project Area.

ECHDC will own all parking structures and will be responsible for their operation and maintenance. ECHDC will also be responsible for operating and maintaining the public open spaces such as the Skyway Plaza, which will utilize the cover of the Skyway deck to provide a year-round place for vendors to sell goods and produce at seasonal kiosks, the Central Wharf. NYSDOT will be consulted and any necessary approvals obtained with respect to all uses and improvements under the Skyway.

G. Economic Impact

As part of the adoption of the GPP, ESDC has performed an independent economic analysis of the Project. Based on Bass Pro or a comparable retailer(s) located on Parcel A1 it was projected that the Project would have the following beneficial economic impacts over a thirty year period:

- (i) Construction of the Project (based on a construction cost of \$289 million and exclusive of costs for site preparation and demolition of the Memorial Auditorium and Donovan Building) will generate 1,894 new direct jobs and 3,182 total jobs (direct, indirect and induced);
- (ii) Direct personal income related to construction activities will be \$89.0 million and total personal income will be \$149.5 million (direct, indirect and induced);
- (iii) Total construction employment will generate \$11.9 million in local tax revenues and \$12.8 million in state revenues;
- (iv) Based on a completed build-out of the Project, once fully operational, it is projected that the Project will support 1,670 direct new jobs and 2,631 overall jobs (direct, indirect and induced);
- (v) The Project will generate \$1.608 billion in direct personal income and \$2.7 billion total income (direct, indirect and induced) over a 30 year period.
- (vi) On a present value basis, the Project will generate \$155.7 million in local tax revenues and \$184.6 million State tax revenue over a 30 years period.

It is anticipated that the development that occurs on Parcel A1 in future phases of the Project, will have a similar economic impact over a thirty year period as was contemplated in the GPP. This is based on the assumption that the development of the parcel will include a single or multiple retailer(s) with comparable size and sales to that of a Bass Pro store. The Corporation will amend this MGPP as may be needed to reflect alternative developments.

H. Land Use Improvement Project Findings

The primary purposes of ESDC's participation in the Project are (i) to transform an area of Buffalo's urban core that is blighted and underutilized into a vibrant, transit-oriented, mixed-use development with appropriate density along the City's waterfront; (ii) to provide a mixed-use setting for year-round activities and unique experiences that will attract visitors and generate economic growth in an area that has been underutilized for decades; (iii) to generate additional economic activity and City and State tax revenues; (iv) to supply amenities, housing and cultural

facilities for the creation of an urban neighborhood oriented to the waterfront and canal features; and (v) to provide publicly accessible open space and recreational opportunities.

Specifically, ESDC, pursuant to Section 10 of the UDC Act, has made the findings set forth below. These findings are supported and complemented by the findings, determinations and statements of fact described in the Draft Generic Environmental Impact Statement ("DGEIS") for the Project.

Land Use Improvement Project Findings

1. That the area in which the project is to be located is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.

The Project Area consists mainly of vacant parcels and surface parking lots, including the former site of the Memorial Auditorium which was recently demolished and the Donovan Building, an obsolete office building vacated by the New York State Office of General Services. Photographs of several Project Area view sheds demonstrate the poor visual quality of the Project Area. See *Exhibit E*. These photographs depict space that is desolate and lacking in human activity, natural features, publicly accessible open space or facilities providing public amenities or services. Views are dominated by the Skyway and ramp from the Skyway to the Thruway south along with the piers associated with both. Also, wide streets and a lack of pavement markings along with deteriorating sidewalks add to an unkept and unwelcoming pedestrian environment.

During the public hearing for the GPP, one commentator suggested that the substandard and unsanitary nature of the Project Area was caused by ESDC when it demolished the Memorial Auditorium. The Memorial Auditorium has been vacant since 1996. The vacant building had not generated any revenue nor provided any benefit to the tax base in over a decade. Multiple attempts were made and several studies were completed during the 13 year period while the building sat vacant in an attempt to identify potential reuses, but ultimately no feasible reuse alternatives were identified. The area became substandard once the Memorial Auditorium was vacated and no achievable re-use options were identified. The lack of activity and use over the last 13 years only continued to impair the sound growth and development of the municipality until it was removed.

There is relatively no economic activity derived from the Project Area, exclusive of surface parking, notwithstanding that the Project Area is strategically located along the waterfront in downtown Buffalo. While the waterfront exists just a short walk from the Project Area, accessing the waterfront can be difficult, and few opportunities exist for entertainment, dining, shopping, or recreation.

Neighboring land uses, while to some extent generating activity, are limited in their contribution to the creation of a vibrant urban neighborhood, and generally do not provide year-round activities and amenities. For example, the HSBC Arena and the Coca-Cola Field generate considerable activity, but only during certain times of the year and typically for a short period of time on those days when there is activity. While these facilities are major traffic generators during events, they do not draw virtually any activity to the Project Area on non-event days.

Consequently, the Project Area is generally lively during events, particularly at the more proximate HSBC Arena, but is largely deserted other evenings. Even with the pedestrian traffic generated during HSBC Arena events, there are few destinations for visitors to visit. During non-event times, pedestrian traffic is especially absent in the Project Area. The only limited exception to this is the Erie Canal Harbor with its re-created Commercial Slip which now draws visitors to this portion of downtown, but is generally a seasonal attraction and has had limited event programming. There are few attractions adjacent to the Commercial Slip to allow visitors to remain in the area for a significant length of time. In addition, traversing the Project Area is difficult at many locations as sidewalks and crosswalk markings have not been maintained. Due to the desolate atmosphere of the area, drivers may not anticipate pedestrian activity, creating a more challenging and less safe walking environment.

Therefore, the current environment of the Project Area hinders growth and development of the City and is detrimental to the City's goals of creating events and activities to increase public enjoyment and access to the waterfront, as articulated in the City of Buffalo Comprehensive Plan. The City's Waterfront Corridor Initiative also states as key initiatives improving accessibility to the waterfront, reconnecting neighborhoods to the waterfront and realizing the best possible use from waterfront parcels. Additionally, the 2004 Master Plan and Waterfront Redevelopment Project Urban Renewal Plan were detailed plans for development within the Project Area, which ECHDC has utilized in developing the Project. The Project is needed to implement these policies and contribute to economic growth within the City.

2. That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto.

This MGPP proposes redevelopment of the Project Area initially with the development of public infrastructure with the future phases of residential, commercial and retail developments. The enhanced uses generated by the Project will attract people to the Project Area and will, accordingly, help support local businesses. The Project will also generate substantial tax revenues for the City and the State as described herein. It is expected that the Project will convert a long vacant and underutilized area into a dynamic retail and residential community with substantial public spaces and regular public events along the waterfront. It is expected that the Project developments will serve as a catalyst for additional development in the neighboring environs.

3. That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

Although the Project includes substantial public improvements and the creation of numerous open spaces and public amenities, the plan specifically provides for a substantial amount of private development in future phases of the Project consistent with the overall plan for the development of the Buffalo waterfront.

4. That there is a feasible method for the relocation of families and individuals displaced from the project area into decent, safe and sanitary dwellings, which are or will be provided in the project area or in other areas not generally less desirable in regard to public utilities and

public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

No families or individuals will be displaced as a result of the Project.

I. Project Schedule

ECHDC has commenced or completed certain remediation and demolition work within the Project Area, specifically the remediation of asbestos in the Donovan Building and the remediation and demolition of the Memorial Auditorium on the Aud Block. In addition, substantial design work has been undertaken in furtherance of the Project. Subject to necessary approvals, it is expected that construction of the Phase 1 development of the Project will occur in 2011 and will be completed at the end of 2012. The entire Project is expected to be built out by 2031.

J. Affirmative Action

ESDC will administer and enforce an affirmative action program for the construction of the Project. ECHDC and any private developer(s) will each agree to make a good faith effort to utilize minority and women business enterprises ("M/WBE's") in the construction of the Project and will ensure that minorities and women are adequately represented in the construction workforce for the Project.

A Project goal has been established of 25 % M/WBE participation in the construction of the Project and a minority and women workforce participation goal of 30%.

K. Override of Local Requirements

ESDC will override certain local regulations pursuant to the UDC Act. These overrides will permit a development more reflective of and consistent with, land use policy envisioned for the City waterfront and will include an override of the City zoning ordinance to allow office and hotel uses in an Industrial-Institutional District and will eliminate any need to amend the land use provisions contained in the Waterfront Urban Renewal Plan. With regard to this action and undertaking the Project, the City has been consulted throughout the planning process and has provided significant input into Project design.

The City supports the exercise of ESDC's statutory powers to facilitate the Project on the following terms:

1. The canal system, Canal Side Hall, Donovan Block, Webster Block, Erie Canal Harbor Parcels, Commercial Slip Block described above will be included in the MGPP as approved by the ESDC. Also the components will be developed pursuant to the Design Guidelines.
2. ECHDC will include all relevant City departments, agencies and boards including the Common Council, the Control Board and the Planning Board in the review process during the State Environmental Quality Review Act ("SEQRA") review period.

3. At the conclusion of the SEQRA process, ESDC and ECHDC will work with the City to seek necessary approvals for the initial build-out of the Canal Side Project which will include the Aud Block development, Donovan Block, Webster Block, public infrastructure within the Project's 20+/- acres and the Commercial Slip Parking Garage. Specifically, this phase will be presented to the Common Council in conjunction with the disposition of City properties to ECHDC in furtherance of the Project. In addition, this phase will be presented to the Planning Board to review consistency with the MGPP and the Design Guidelines which will be incorporated into the MGPP.

4. Subsequent build-out of the remainder of the Canal Side Project, which generally will incorporate all or parts of the Historic District as outlined in the 2004 ECHMP, will similarly be presented to the Common Council and the Planning Board.

5. In the event that there are any proposed changes to the MGPP after its initial approval, ESDC will consult and seek input from pertinent City entities.

L. Public Approval and Environmental Review Process

ESDC, acting as the lead agency pursuant to the requirements of the SEQRA conducted an environmental review of the Project. The DGEIS was accepted as complete by ESDC and issued for public review in September, 2009, commencing a public comment period that lasted until November 17, 2009. A public hearing was held on October 20, 2009 at the Albright-Knox Art Gallery in Buffalo to solicit comments on the DGEIS and to present the Project and environmental analysis to the public. The Final Generic Environmental Impact Statement ("FGEIS") was issued by ESDC on January 21, 2010 and a notice of completion of the FGEIS appeared in the ENB on February 10, 2010. The FGEIS was mailed to the interested and involved agencies and copies of the FGEIS were made available for public review at ESDC Offices and the Buffalo and Erie County Public Library—Central Branch. A copy of the FGEIS has also been posted on the ECHDC website.

In addition, it is noted that at the public hearing for the General Project Plan on January 26, 2010, the ESDC received many comments. Most of these comment were duplicative of the comments that were submitted in respond to the DGIES for the project and which were fully analyzed and responded to in the FGIES. ECHDC held a public hearing on the MGPP on November 3, 2010. Due to the large number of comments received, ECHDC extended the comment period from November 15, 2010 to November 28, 2010. In the interim, ECHDC held six (6) Open House Meetings at the ECHDC office, as well as a meeting with community business leaders and elected officials. Approximately 80 attended the six (6) meetings and approximately 400 comments were received. Only a few new issued were presented and generally they pertained to the programming, as opposed to the design principles, contained in the GPP. While programming is important, it is not within the purview of the GPP. The ECHDC incorporated the remaining comments and made changes to the GPP in response. Furthermore, the ECHDC will continue to address concerns as they arise to ensure that the Project becomes a success as a commercial and cultural destination point in the City of Buffalo and Western New

York. The ECHDC will continue to collaborate with the stakeholders through the duration of the Project build out and will make modifications to the GPP, as necessary.

On March 26, 2010, ESDC as lead agency issued a SEQRA findings statement approving the Project. ESDC found that the DGEIS and FGEIS provided a thorough examination of all of the important potential impacts that would result from undertaking the Project. ESDC carefully reviewed, questioned and analyzed the various impacts of, alternatives to, and potential mitigative measures for the Preferred Alternative and weighed these issues against the social and economic benefits of the Preferred Alternative and other essential considerations.

This MGPP is consistent with the scope and content of the DGEIS and FGEIS for the Project and there are no significant adverse environmental impacts associated with this MGPP that have not been addressed in the DGEIS, FGEIS and the findings statement. Accordingly no further SEQRA compliance is required prior to adoption of this MGPP.

M. Conclusion

This Land Use Improvement Project will redevelop a historically vacant, underutilized and substandard area with a mixed-use project that provides for destination retail, restaurants, residences, hotels, cultural space, commercial development and publicly accessible open spaces that are needed to reconnect the City to its waterfront and create economic opportunities. This General Project Plan adopts a comprehensive vision that will eliminate the blighted and underutilized condition of the Project Area and create new, thoughtful and unique spaces that will provide connectivity with adjacent attractions, foster neighborhood characteristics and encourage a hub of activity at the City's waterfront.

Attachments

Exhibit A – Parcel Plan

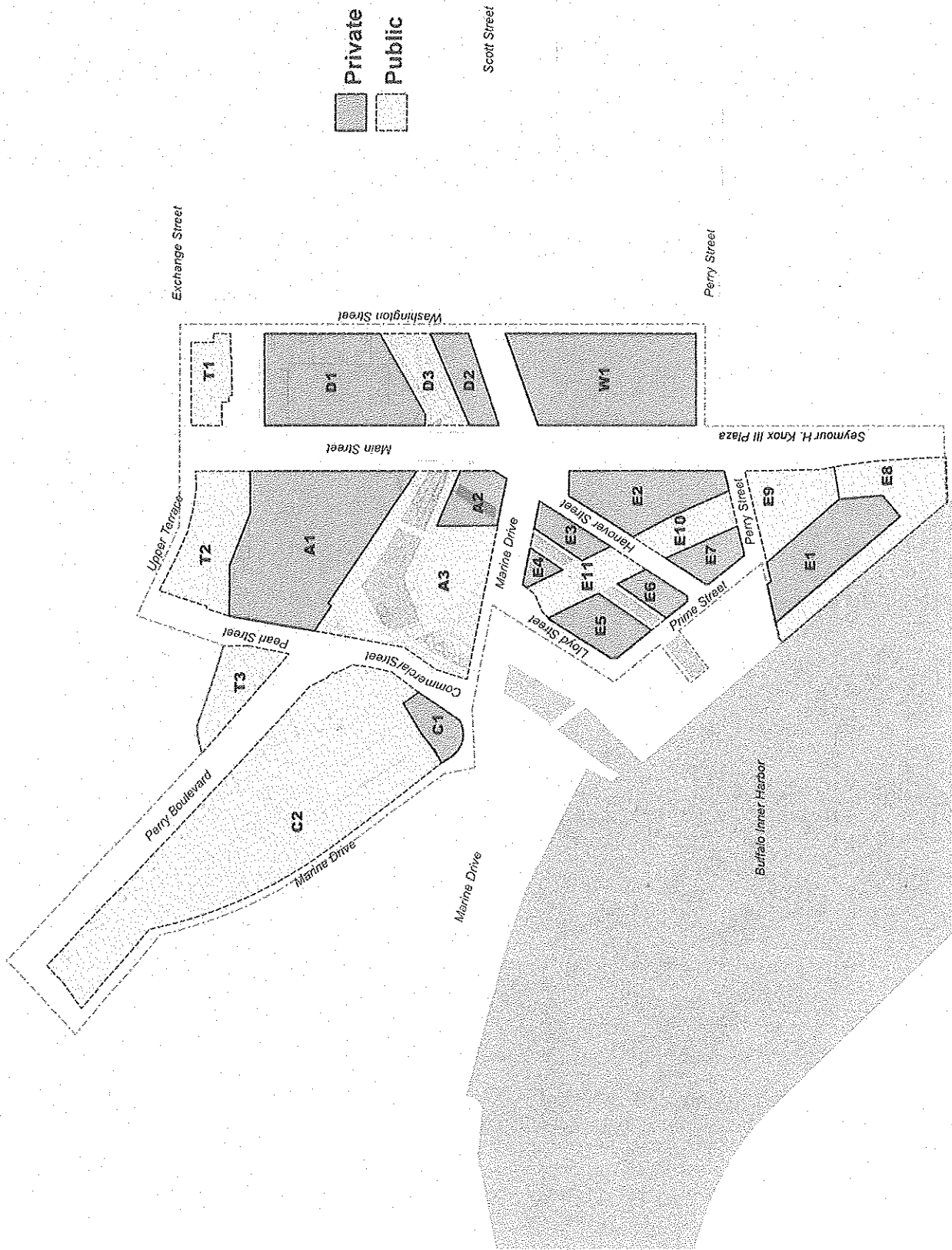
Exhibit B – Project Component Map

Exhibit C – Design Guidelines

Exhibit D - Conceptual Layout of Public Canal System

Exhibit E –Project Area Photographs

MGPP Exhibit A – Parcel Plan



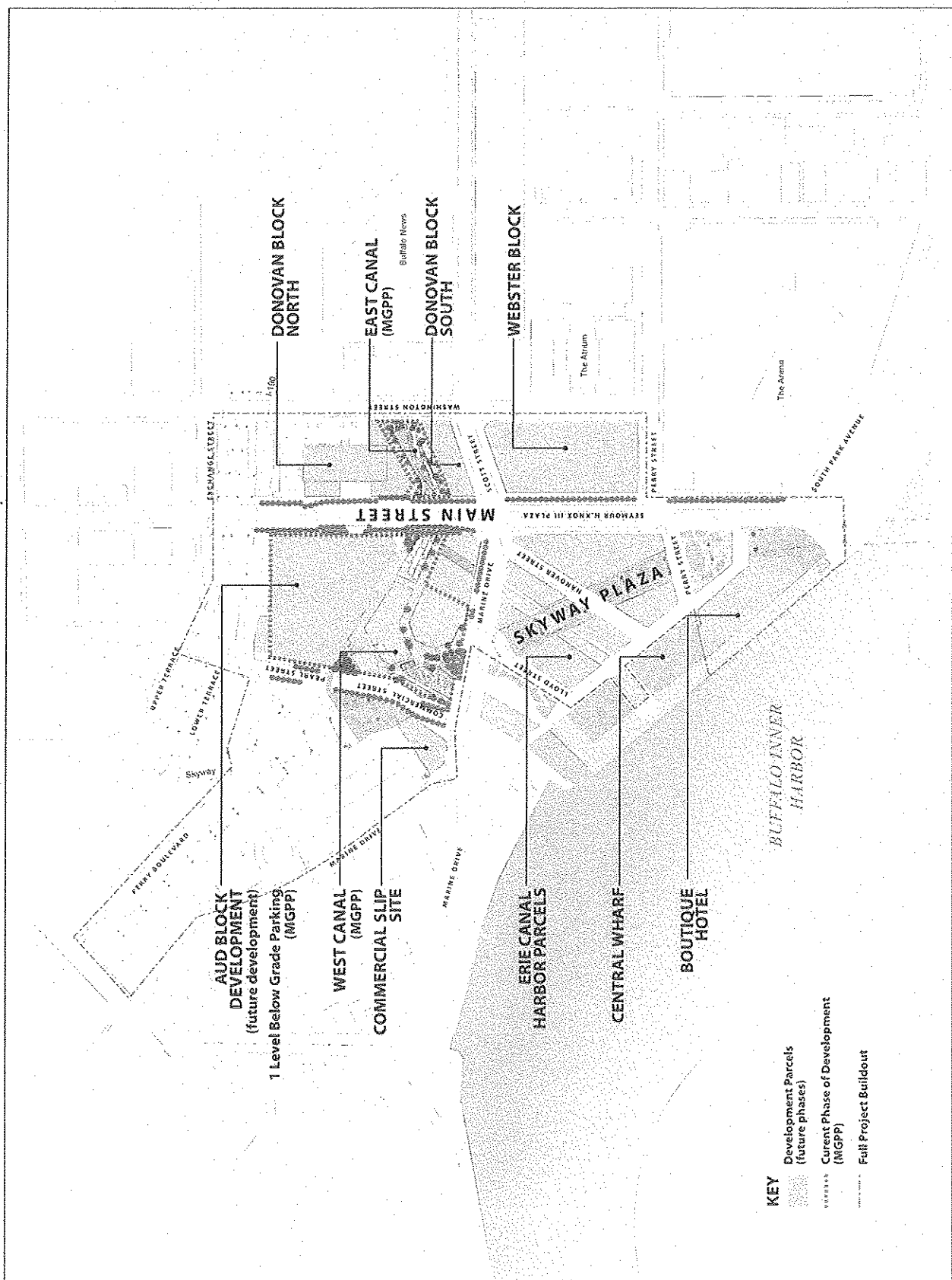
MGPP Exhibit B – Project Component Map

**Buffalo
Canal Side**
Buffalo, NY

City of Buffalo
Department of Planning
100 Erie Blvd. E.
Buffalo, NY 14203-2400
716.255.4000

GRADIENT PARTNERS
A COMMITMENT
TO EXCELLENCE
1000 Main Street
Buffalo, NY 14203
716.255.4000

Project Name	Project Number	Project Status	Project Date
Buffalo Canal Side	1000	Active	2023
Donovan Block North	1001	Active	2023
Donovan Block South	1002	Active	2023
East Canal (MGPP)	1003	Active	2023
West Canal (MGPP)	1004	Active	2023
Central Wharf	1005	Active	2023
Donovan Block North	1006	Active	2023
Donovan Block South	1007	Active	2023
East Canal (MGPP)	1008	Active	2023
West Canal (MGPP)	1009	Active	2023
Central Wharf	1010	Active	2023
Donovan Block North	1011	Active	2023
Donovan Block South	1012	Active	2023
East Canal (MGPP)	1013	Active	2023
West Canal (MGPP)	1014	Active	2023
Central Wharf	1015	Active	2023
Donovan Block North	1016	Active	2023
Donovan Block South	1017	Active	2023
East Canal (MGPP)	1018	Active	2023
West Canal (MGPP)	1019	Active	2023
Central Wharf	1020	Active	2023



KEY

- Development Parcels (future phases)
- Current Phase of Development (MGPP)
- Full Project Buildout

MGPP Exhibit C – Design Guidelines

Canal Side Design Guidelines

Issued by:

Erie Canal Harbor Development Corporation

A subsidiary of the New York State Urban Development Corporation d/b/a
Empire State Development Corporation

95 Perry Street- Suite 500
Buffalo, NY 14203-3030

Prepared by:

Ehrenkrantz, Eckstut & Kuhn Architects

July, 2009

revised March, 2010

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1. Introduction

Canal Side (the "Project") is a new mixed-use neighborhood that will reconnect Downtown Buffalo to the Lake Erie waterfront through a network of streets, canals, and public spaces, evoking the City's history, while creating a timeless neighborhood that will help define its future. With approximately 1.1 million square feet of development, including retail, restaurant, hotel, office, cultural, and residential uses, Canal Side is made up of 23 development parcels within approximately 20 acres on the Buffalo Riverfront ("Project Area"). Anchored by a destination retailer, the Project offers urban amenities and year-round offerings and experiences, including restaurants, entertainment venues, retail outlets, cultural attractions, public spaces, and increased access to the Buffalo River.

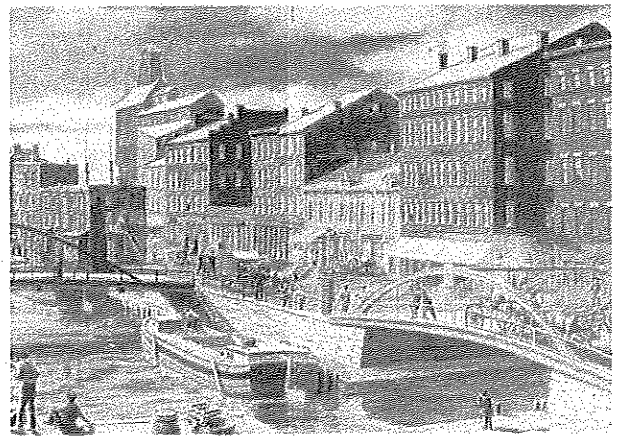
The proposed Canal Side Site Plan ("Site Plan", see Exhibit 1) identifies the conceptual design for the mixed-use project. These Canal Side Design Guidelines ("Guidelines") apply to all development parcels within Canal Side. Unless otherwise noted, the Guidelines apply to all blocks within the Canal Side project area (see Exhibit 2 for the boundaries of those blocks). These Guidelines take as their foundation, both in terms of intent and detail, the guidelines approved as part of the 2005 Erie Canal Harbor Amendment to the Urban Renewal Plan for the Waterfront Redevelopment Project. The guidelines established in that document are preserved to the maximum extent possible, especially where concerning the Erie Canal Harbor Parcels (see Section 9). As the scope, program, and type of the proposed project has evolved and expanded since the 2004 Erie Canal Harbor Project Master Plan, some elements of that project's associated guidelines have been revised.

The emphasis of the Guidelines is on the public spaces. The goals of the Guidelines are to provide high quality, attractive and active spaces that employ contemporary techniques but connect to the unique history of the site and Buffalo as a whole. To this end, the Guidelines are focused on the impact of buildings on the public environment. These Guidelines seek to create spaces, not projects. The goal is to create an ever-changing, lively atmosphere and visual appeal throughout (this is not a traditional business or residential district). The focus is on the pedestrian - to provide a human scale, good wayfinding, and a comfortable walking environment. The automobile is considered and sought to be convenient, but not dominate the view.

The Guidelines are also intended to create visual interest from near and far. Up close, ground level design standards produce comfortable, inviting, and stimulating environments. From afar a variable skyline of roof edges, vertical shafts, and signage create interest.

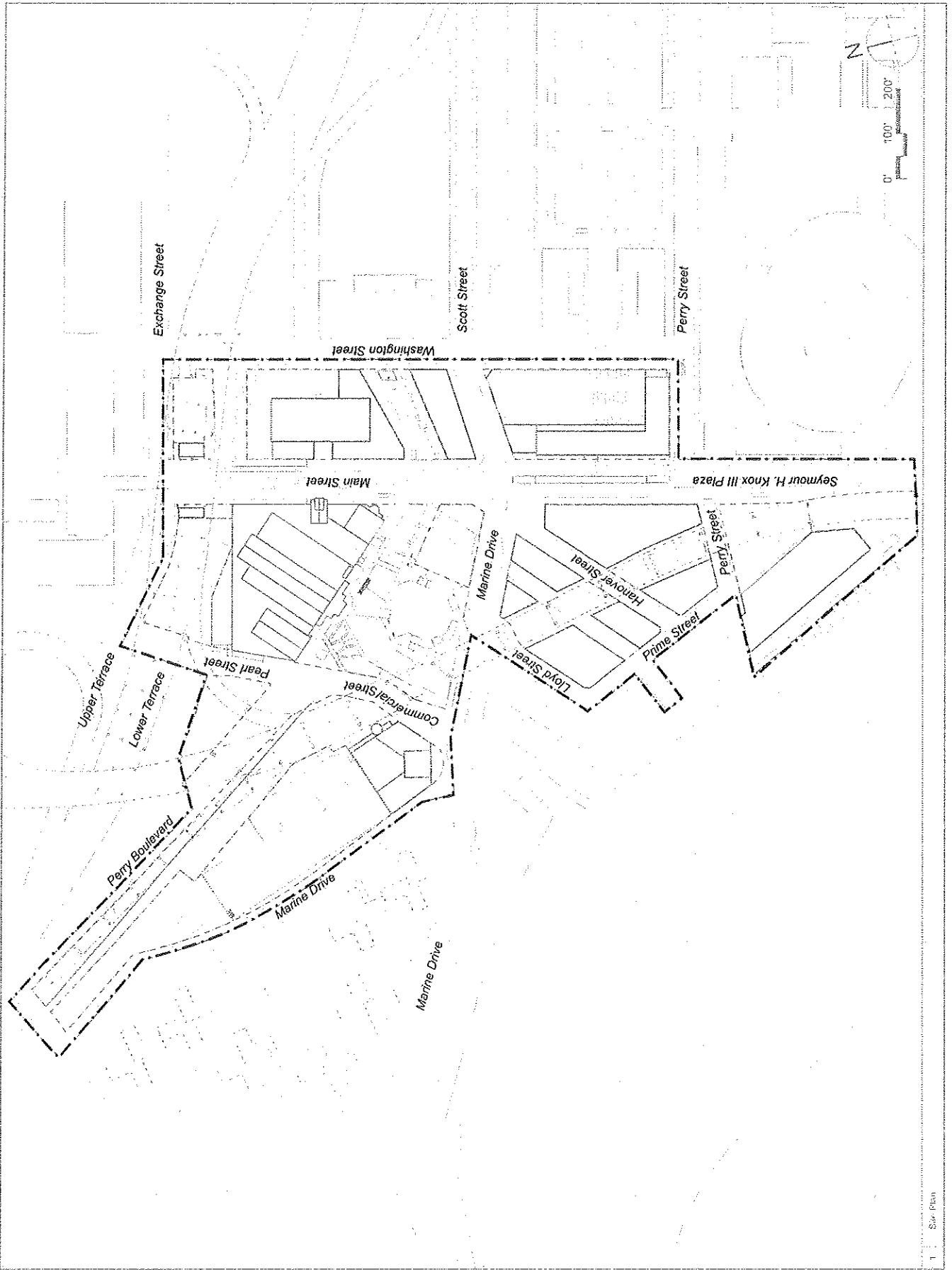
These objectives are achieved through a general consistency of design intent, communicated through standards concerning such features as fenestration, materials, color, scale, lighting, and signage. The guidelines also encourage visual interest throughout the Project Area, achieved through a variety of forms and materials. At full build-out, the project will have the appearance of a variety of buildings and spaces that have been built over time, by different owners and designers.

The Guidelines are mostly concerned with visual content relating to any and all parts of buildings (seen up close as well as from afar). These are guidelines and not rules. The purpose of the Guidelines is to give direction and help provide a very quick review and response to proposed development actions.



The Guidelines take as their inspiration a mix of the contemporary with the materials, profiles, and scale of the historic Erie Canal Waterfront.

Exhibit 1: Site Plan



2. Use

The parcels in the Site Plan have been subdivided into blocks as per the designations below (see Exhibit 2 for the boundaries of the blocks). Each is subject to the Guidelines, which identify physical design constraints such as height restrictions, service access, and set-back lines; as well as use regulations such as ground-level use guidelines.

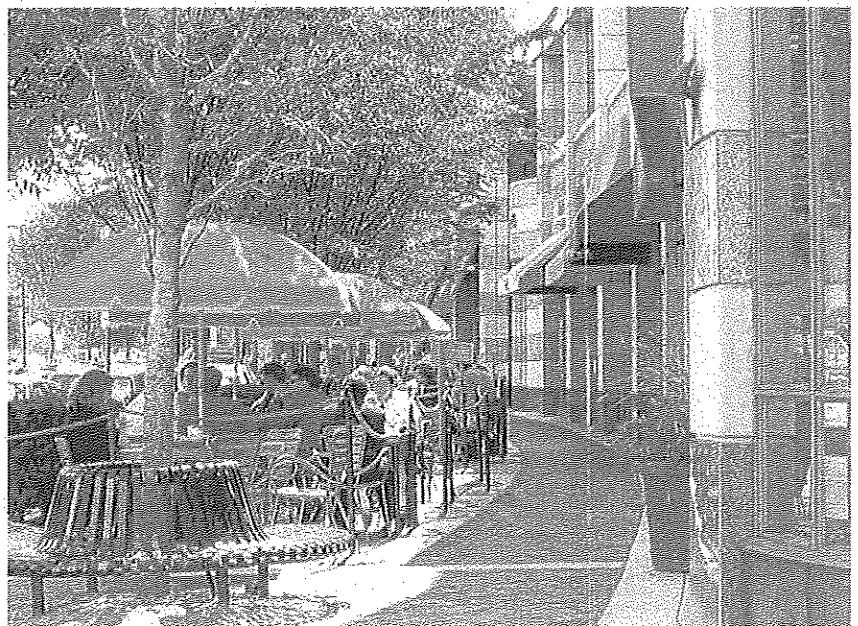
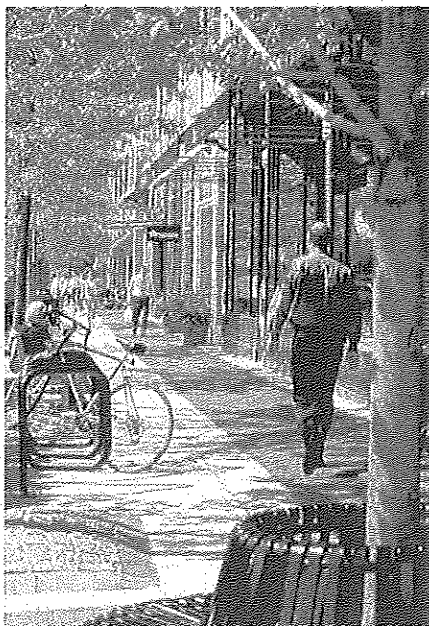
- AUD Block;
- Commercial Slip Block;
- Thruway Block;
- Donovan Block;
- Webster Block; and
- Erie Canal Harbor Parcels.

The Project as a whole is envisioned as mixed use. In order to create a vibrant, 24-hour pedestrian friendly environment, all areas allow a mix of uses, including Residential, Office, Commercial (retail, restaurant, and service), Hotel, and Cultural. Detailed descriptions of the program and design character of the blocks can be found in Chapter 3 of the State Environmental Quality Review: Draft Generic Environmental Impact Statement for the Canal Side Project.

2.1 Active Ground Floor Uses

Active uses that engage pedestrians shall be located along street frontages as indicated in Exhibit 3. Ground level land uses shall be established and designed to animate public sidewalks and canal paths, and to provide visual appeal. In required active ground floor areas, the following uses are acceptable:

- Commercial uses, such as retail stores, retail service establishments, food and beverage establishments; and/or entertainment facilities, and
- Institutional uses, such as museums and similar facilities of an educational or heritage nature.



Active ground floor uses and pedestrian-oriented fixtures create a lively and commodious pedestrian environment

Exhibit 2: Canal Side Districts

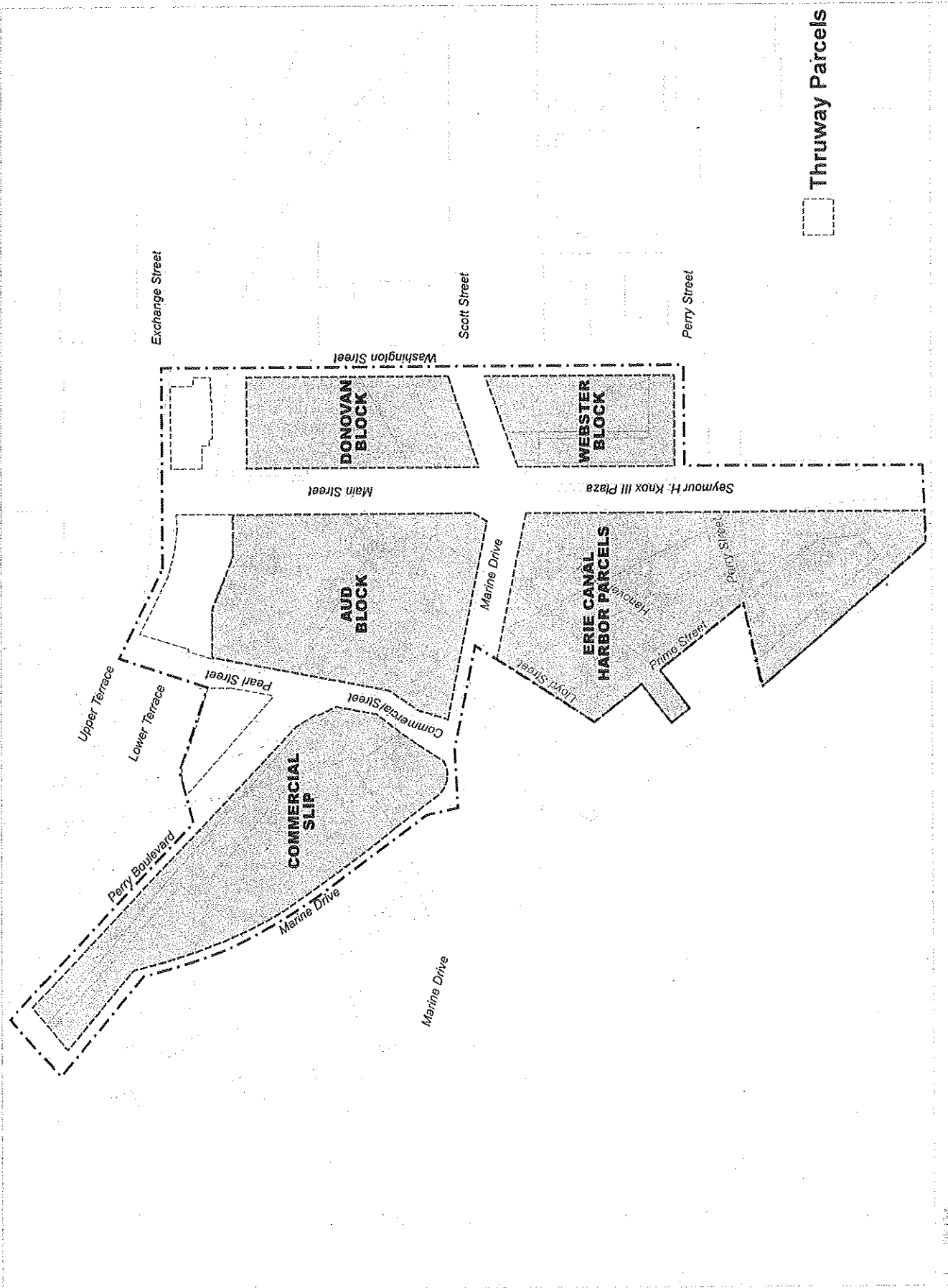
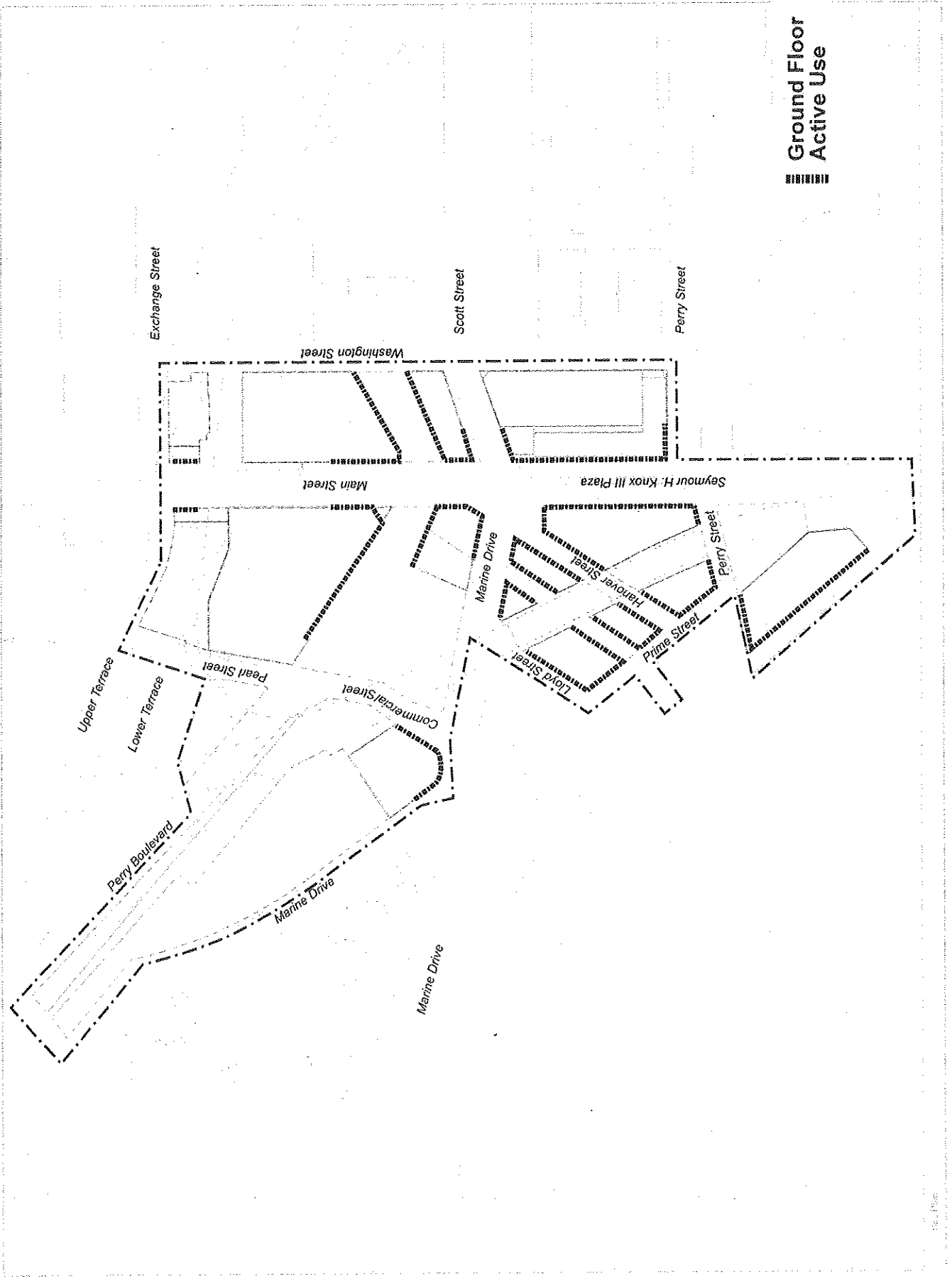


Exhibit 3: Active Ground Floor Use



3. Massing

The Guidelines describe the overarching design principles for all future private construction in the Project Area. The Guidelines define the intended quality, characteristics and coherence of the urban elements, which regulate how the site shall be used for civic and commercial purposes. The Guidelines define building mass, street wall heights, and façade articulation necessary to create a lively urban waterfront environment.

The building bulk controls are intended to create scale relationships between new buildings and surrounding areas and that will help define urban spaces for anticipated activities in the area. The Guidelines are also intended to integrate the Project with urban scale of downtown Buffalo and the HSBC Arena at its urban periphery and to step down in scale as it approaches the waterfront. The historic building fabric of Buffalo's waterfront has served as a precedent in the development of these Guidelines. Review of historic photographs indicate that the Erie Canal Harbor and surrounding districts was once occupied by a combination of 3-5-story masonry buildings devoted to residential, commercial, transportation, and industrial purposes, as well as wooden grain elevators that soared to heights as tall as the existing Buffalo Skyway Bridge.

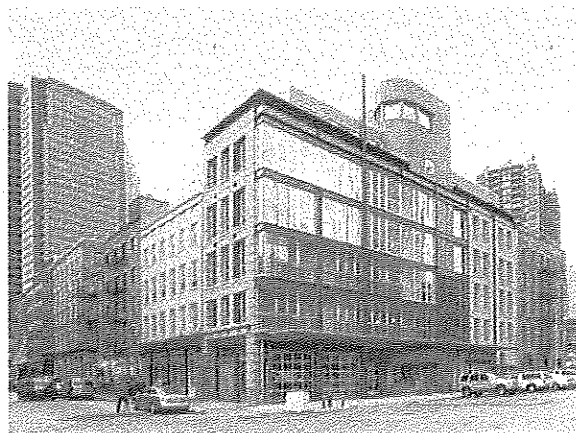
In turn, these Guidelines have been shaped by the constraints and opportunities of present Project Area conditions and contemporary building regulations/practices, and are intended to respond to the market conditions associated with mixed-use real estate development. Special care has been taken to avoid creating an inauthentic facsimile of the historic urban form or specific buildings, but rather to realize a dense and urbanized setting that gives modern expression to the development characteristics of historic precedents at Canal Side.

3.1 Build-to Lines

Street walls on public rights-of-way are encouraged to vary in height and be expressed in distinguishable facade types to evoke multiple buildings/uses. Mandatory building frontages for each block are indicated in Exhibit 4. A minimum of 75% of the lineal length of the mandatory building frontage shall be set at the streetline or within 10 feet therefrom. The first two stories of a building are required to be set at this mandatory front property line. Variation in street wall facades is encouraged along upper levels and roof lines. In areas where active ground floor uses are required, building entrances should be located at least every 75 feet (preferably every 30-35 feet). Recesses are welcome to give more space to outdoor dining as well as highlight key entrances to stores and uses above grade.

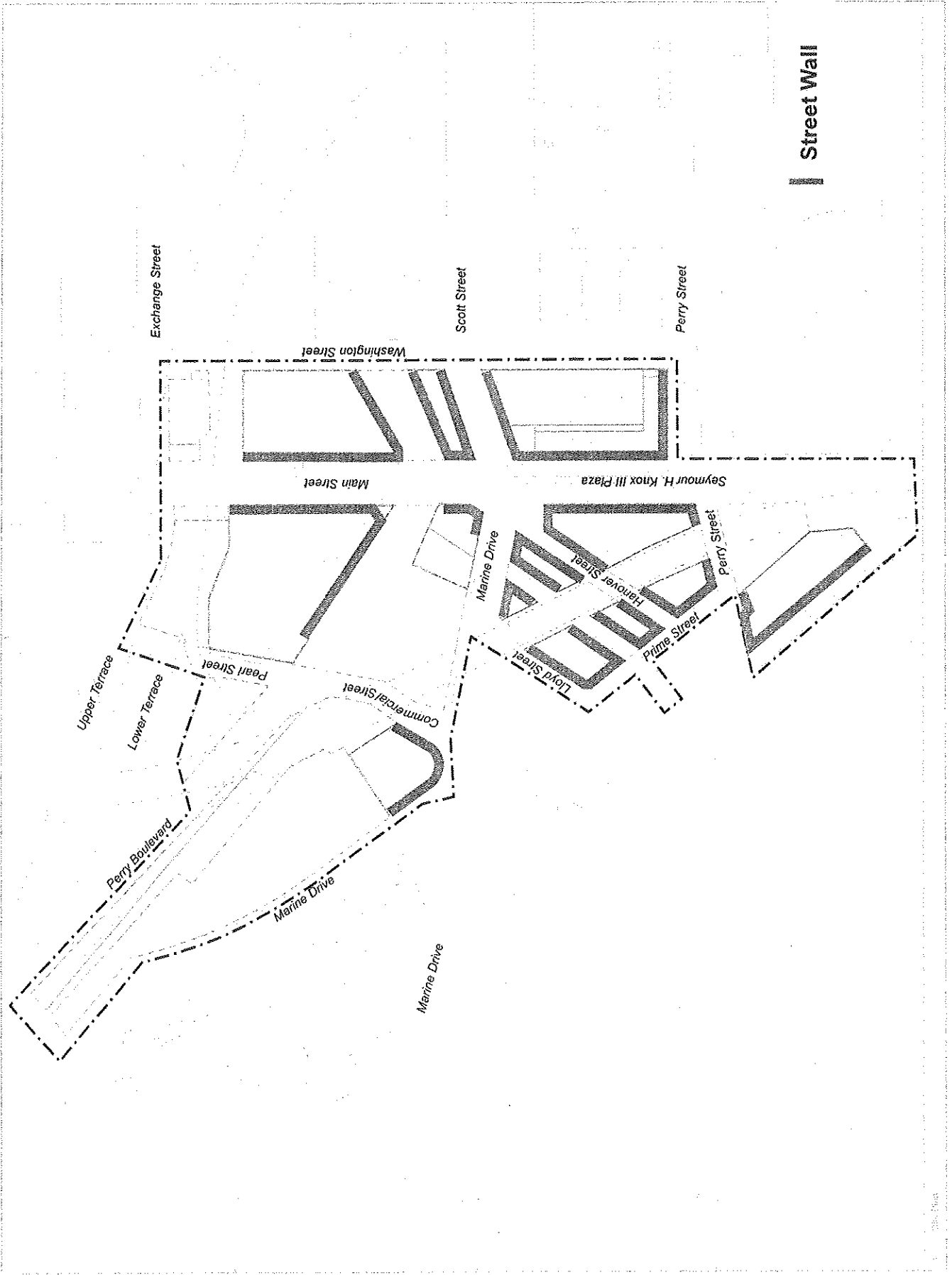
The character and scale of facades forming the street wall may involve the combined use of traditional and innovative materials to express a transition from a Canal-era to a more modern-era design vernacular. The character, height and massing of Canal Side street walls should:

- Define a continuous street and highly articulated building by building wall mass along all build-to lines (i.e., zero front yard setbacks along public rights of way)
- Encourage projections, canopies, signage, lighting, and variation of building size



Streetwall evokes multiple buildings.

Exhibit 4: Mandatory Build-to Lines



3.2 Height Limits

Canal Side is intended to have a varied skyline, as per historic precedent, with buildings of different heights. Bulk controls for buildings provide continuity at the scale of the block and respond to the heights of existing site conditions such as the heights of the HSBC Arena, Marine Drive Apartments, and the Skyway. Street wall height is measured at build-to lines, which define the mandatory primary facade position on all blocks.

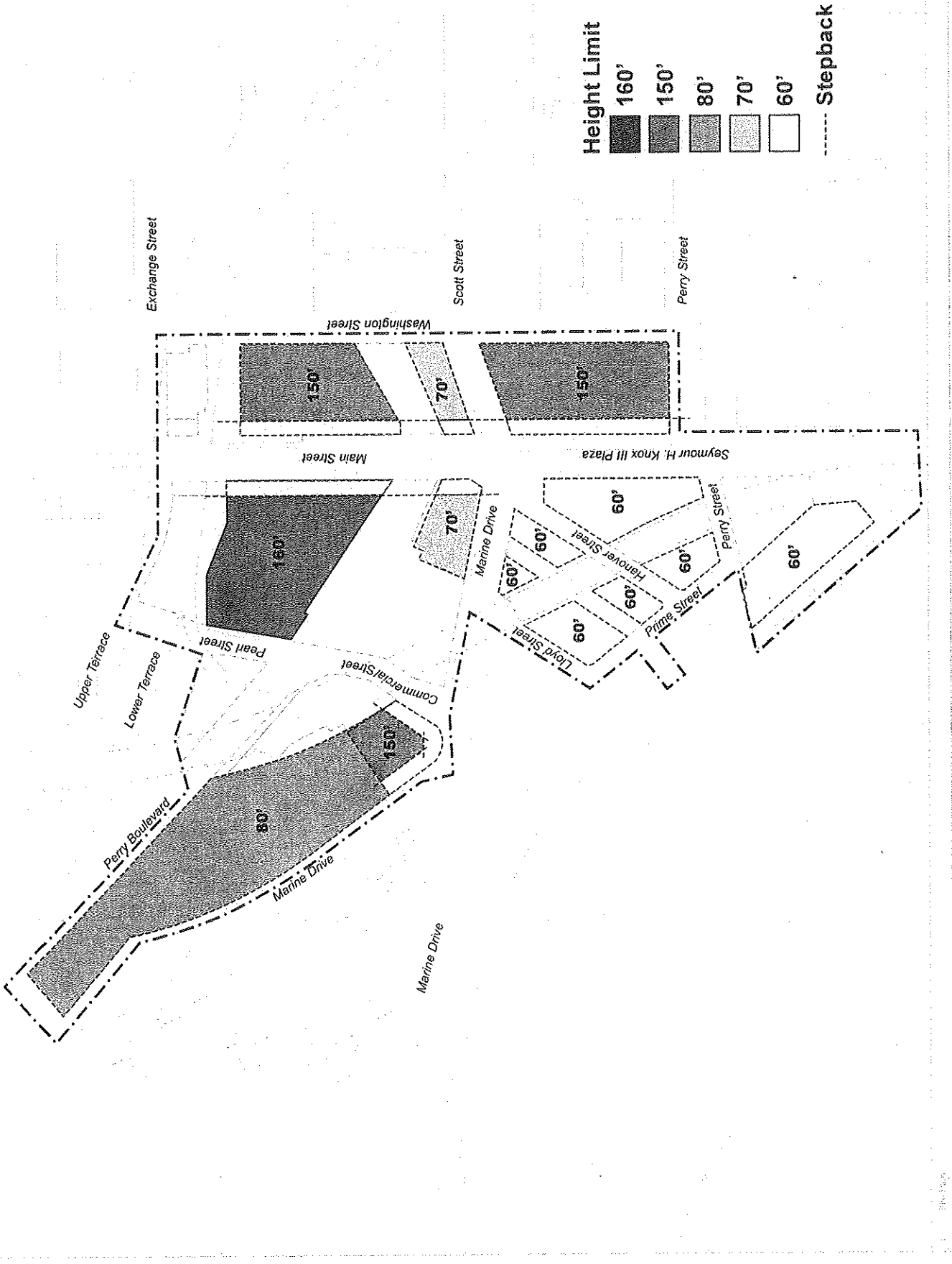
The calculation of building heights does not include architectural features such as cornices, parapets or corner towers; or functional elements such as elevator overruns, HVAC equipment or roof bulkheads. Building height limits vary by block (see Exhibit 5) with the highest buildings permitted along Main Street. Buildings should be a minimum of 2-stories and 30 feet in height, with the exception of the parcels subject to NYSDOT regulations.

Building setbacks are employed to help limit massing and to insure that buildings maintain a human scale and a consistent street wall throughout. Setbacks are required along Main Street, as indicated in Exhibit 5. Along the frontages where setbacks are required, buildings must set-back 15 feet horizontally from the street at 60 feet in height.



Lower scale street wall with tower setback maintains an appropriate district scale.

Exhibit 5: Height Limits



4. Circulation

Streetscapes in the Project Area are meant to be pedestrian friendly environments, featuring a consistent pallet of signage, lighting, paving, and furniture. Streets should be well lit, active, human scaled, and feel safe day and night.

All streets in the Project Area will handle both vehicular and pedestrian traffic. Main Street will be the central spine of the Project Area, combining multiple modes of transit including pedestrians, vehicles, and light rail. Main Street and Pearl Street are important vehicular streets, as they connect the Project directly to downtown. Scott Street/Marine Drive is an important avenue for through traffic and will have a bus stop within the Project Area. The canals running through the Project Area will have continuous pedestrian paths on both sides.

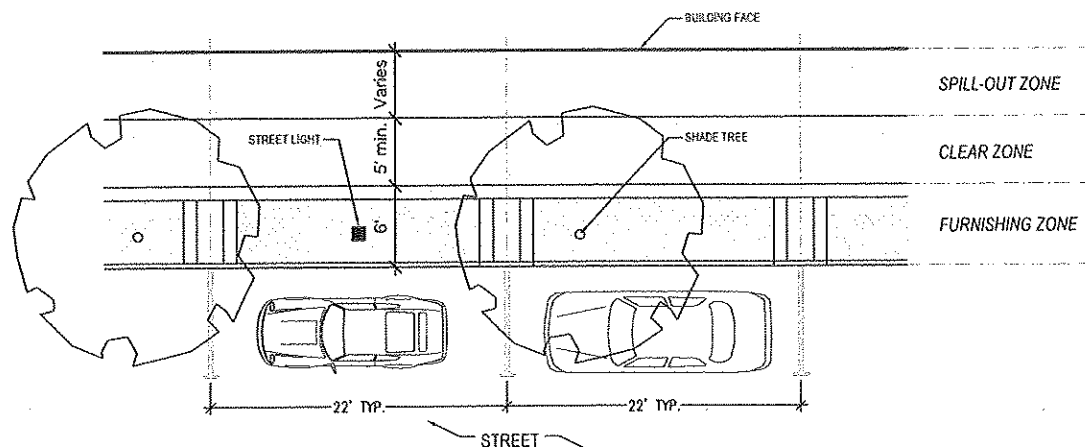
4.1 Streetscape

Street paving materials shall be finished with City approved materials. Where possible at significant locations, materials will be used that evoke the historic character of the Project Area, including rehabilitated medina sandstone pavers (or stone pavers of equivalent/similar materials in the event that the amount of recovered medina pavers is not sufficient to fully achieve reconstruction), cut stone sidewalks and ramps, and sandstone or granite curbs.

Standards for the design treatment of streets is established to ties the entire Project Area together while permitting individual expression to highlight the unique character of important places. Sidewalks shall be designed in accordance with the illustration below. Sidewalks may be a combination of concrete, patterned concrete, brick, and concrete pavers. Within the sidewalk, space must be provided for a clear zone (5 feet minimum) to allow for the unimpeded flow of pedestrian traffic, and a furnishing zone for the placement of vegetation, lighting, signage, equipment, benches, waste baskets, bike racks, and other furnishings. The furnishing zone will continue as a strip of consistent width along the linear distance of the sidewalk, broken into regular modules to allow for crossing paths.

Streetscape vegetation will include a combination of designated street trees accompanied by street tree grates, shrubs and planters. A tree planting plan shall be prepared according to the City of Buffalo Tree Ordinance. Street tree planting within sidewalk areas shall be placed in continuous trenches that have a minimum depth of 4 feet. A prepared planting medium shall be utilized that is capable of permitting the percolation of water and air, while also supporting the sidewalk above. Aeration and drainage measures should be included.

Streetscape furniture such as benches, waste baskets, and bike racks shall be consistent in design and character in areas throughout the site.



4.2 Parking

Throughout Canal Side, parking is intended to be convenient, but not dominate the view. Parking, where located, will be set back or otherwise screened to not be visible from key locations (especially from Main Street and the Riverfront). Liner buildings are suggested for the Webster Block.

There are no minimum requirements for the provision of off-street parking within the Project Area. Non-enclosed surface parking areas shall be screened, where practical, from rights-of way by means of landscaping or solid walls consistent with the architectural guidelines. Intended sites for structured parking can be found in Exhibit 6.

4.2.1 Structured Parking

Structured parking areas are intended to be shared and to be hidden from major rights-of-way, such as Main Street, or key view corridors. Above-ground structured parking within a development parcel should be either completely encapsulated (i.e. clad in such a manner that it is indistinguishable from the building elements around it), or visually screened by means of other uses, by substantial perimeter planters, or by architectural elements which effectively shield vehicles within the structure from view at grade level. Where parking is visible, the exteriors fronting on public thoroughfares are to be designed as street oriented architecture with the same rules found in these guidelines for traditional occupied buildings, except for mandatory ground floor use. The design of these exteriors should be treated with special sensitivity to the public environment where they are opposite existing building entrances. Elevator towers should be designed as a prominent feature, to help introduce visual interest and wayfinding.

Ceiling-mounted lighting within structures should be screened from grade-level view. Where parking exists on top floors, elements such as trellises or plantings shall screen views from above. At street level, other uses, preferably active uses, shall screen above-grade parking from predominant public views where possible.

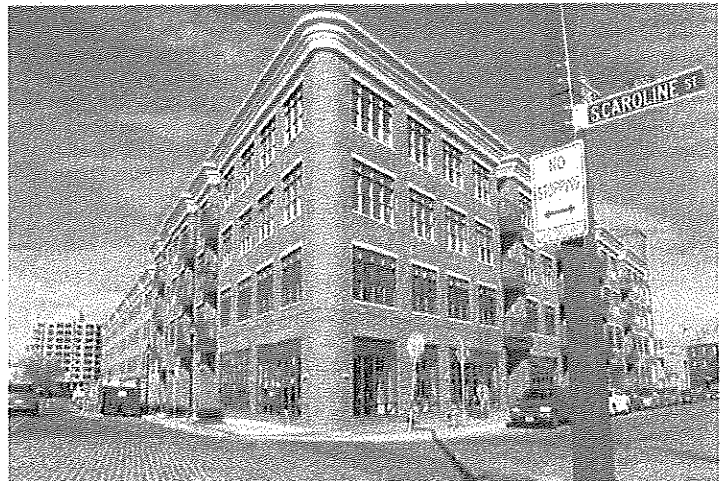
Designated locations for access to structured parking can be found in Exhibit 6.

4.3 Access and Entrances

Vehicle access to all parking and service areas are restricted to zones allowing curb cuts as shown in Exhibit 7. Within these zones, curb cuts should not be located within 50 feet of the end of any block or intersection. The maximum width of a singular curb cut shall be 25 feet. All parking or service entries are to be designed with attractive doors. Signage and lighting are to be integrated into the building design. Washington Street shall maintain an overall pedestrian friendly environment, while accommodating service and parking access. A maximum of 2 curb cuts are allowed within each block of Washington Street.

4.4 Refuse Collection

Refuse collection areas and dumpster locations shall be fully enclosed within portions of principal buildings for which they proposed to serve and shall be screened from view so as not to affect other views from around the site.



Parking at key locations should be screened or wrapped by other uses.



Where parking is visible, it should maintain the scale, materials, and architectural expression of the district

Exhibit 6: Structured Parking Locations

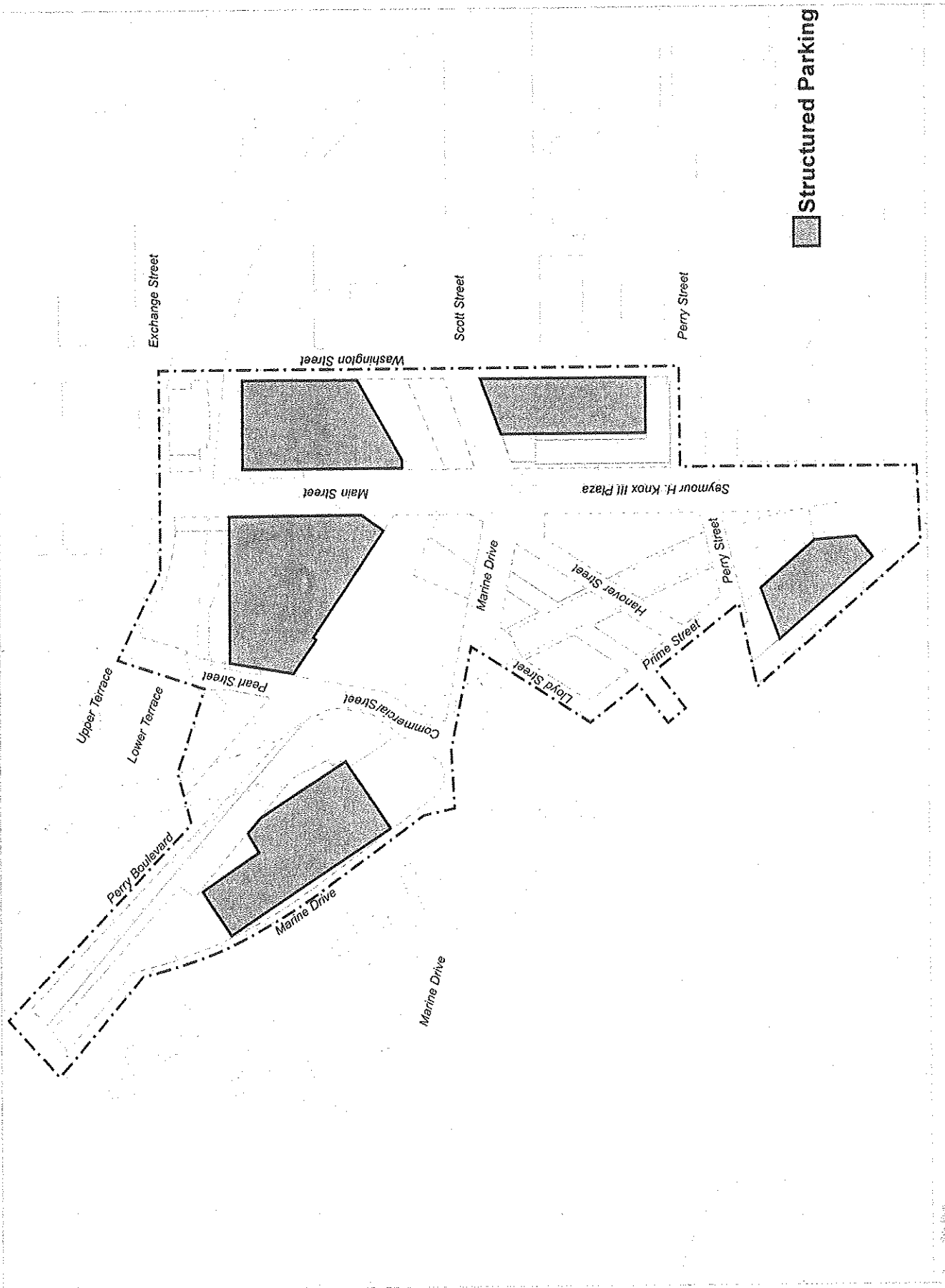
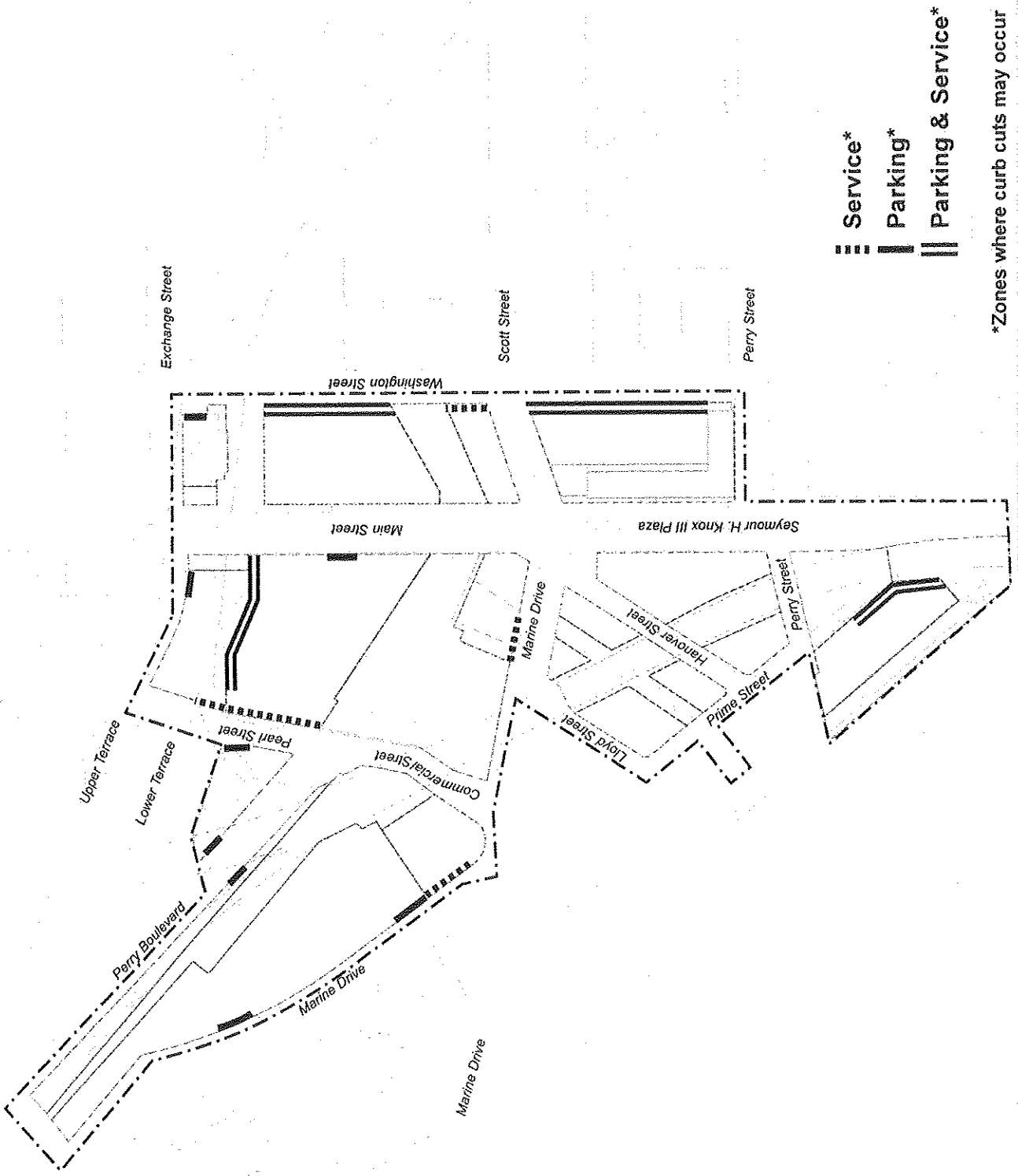


Exhibit 7: Parking and Service Access



- Service*
- Parking*
- Parking & Service*

*Zones where curb cuts may occur

5. Architectural Features

New buildings shall be constructed with finish materials that give modern expression to the materials commonly used throughout Buffalo's rich architectural history. Typical waterfront buildings were often constructed with brick and included wood and steel elements that articulated facades and profiles for overhangs, cornices and hoisting mechanisms.

Design references to Buffalo's industrial waterfront heritage are encouraged. The waterfront environment was one of industry and purpose and it was rich in technical innovation. The structures built here were the most innovative and advanced of their kind (particularly grain elevators), and they were admired as such around the world. The design of new buildings and structures should be timeless and enduring, seeking inspiration from the rich industrial and architectural precedents of Buffalo and its waterfront and should seek to uphold its strong history of technical innovation.

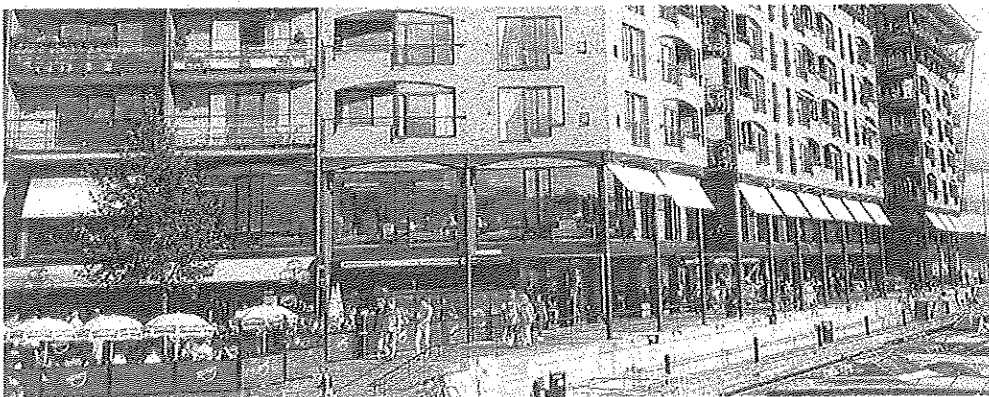
Architectural features (shapes, colors, clocks, towers, corners, etc.) should be used to create variety and offer visual relief and visual interest. Key locations for Architectural Emphasis can be found in Exhibit 8. The intent of these features is to emphasize major view corridors and significant places throughout the Project; and also to attract views from the elevated highways.

5.1 Edges

Special care and design attention along with more decorative treatment and materials are desired for all edges of buildings. These are the most visible part of the urban scene. Edges include roof lines, canopies, cornices, and more prominent window openings and entrances.

5.2 Bases

Buildings should be articulated to respond to individual users. The diversity of storefront articulation on one parcel will break down the scale of the overall parcel and street wall. The first level of buildings should be articulated by material change to express a building base and use other elements such as color, design detail, smaller scale, and higher quality materials to provide visual interest. The base should be 2-stories, to emphasize the ground floor activity and provide the highest quality of pedestrian environment.

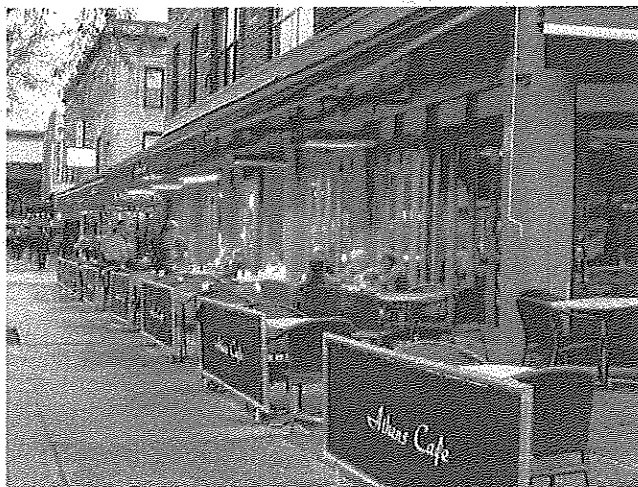


Articulation of bases and edges provides visual interest and a high quality pedestrian environment

5.3 Storefront and Retail Facades

The design of storefronts, entranceways and awnings should promote a sense of openness; making sites visually accessible creating an active and vibrant atmosphere with displays that encourage active street life and window shopping.

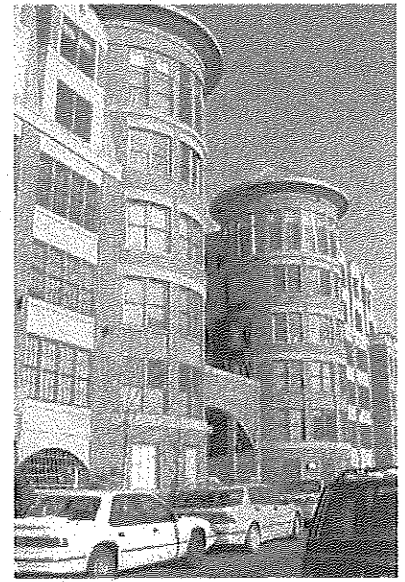
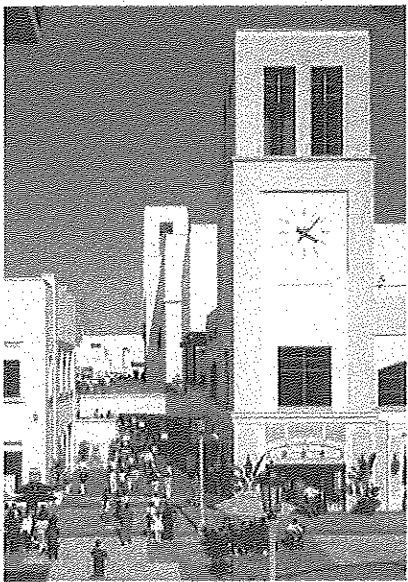
- Storefronts should be integrated into the design and materials of the entire building. The storefront's bulkhead/kneewall should be constructed of a durable and evocative material
- The design of the doors should contribute to the character of Canal Side and be compatible with the storefront design and material.
- Interior display lighting should be installed to include adjustable incandescent light fixtures. No fluorescent lighting shall be utilized for signage purposes.
- Any storefront with a ground level restaurant use may have a hardscape front yard that extends to the sidewalk area as exterior cafe space or terrace area. The use of temporary railings may be permitted to separate cafe dining from sidewalk areas, provided railings utilized complement building materials and reference the heritage of the area. Railing parts and fittings shall be removable and designed so as not to damage any street maintenance equipment.



Storefronts and cafes create an active and vibrant pedestrian atmosphere.

5.4 Corners

Corners are particularly visible and are suggested to be made more noticeable. Changes in orientation, shapes, additional materials, colors, and projections are all favored means of adding special visual appeal to interesting streets, canals, and public spaces. Exhibit 8 illustrates those locations that are particularly visible due to the arrangement of public spaces. These are the building parts that terminate longer and more dramatic views.



Building corners provide an opportunity for establishing architectural emphasis.

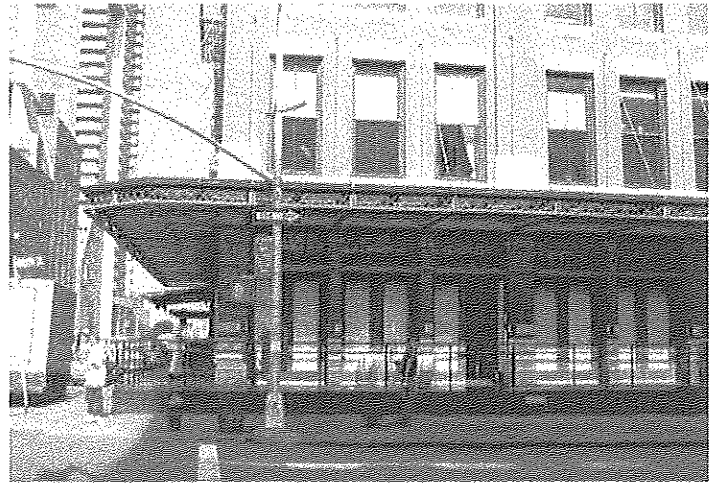
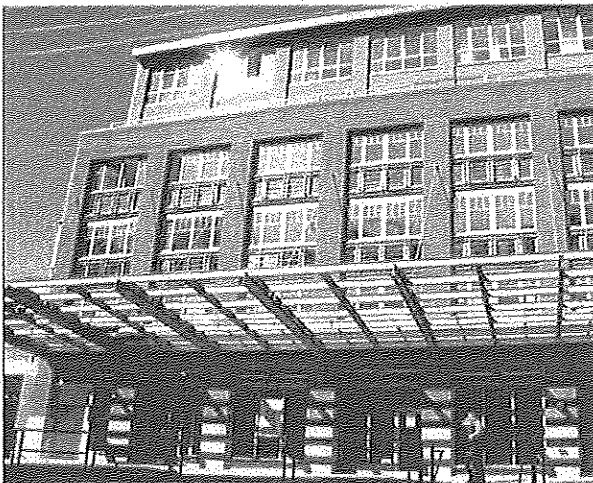
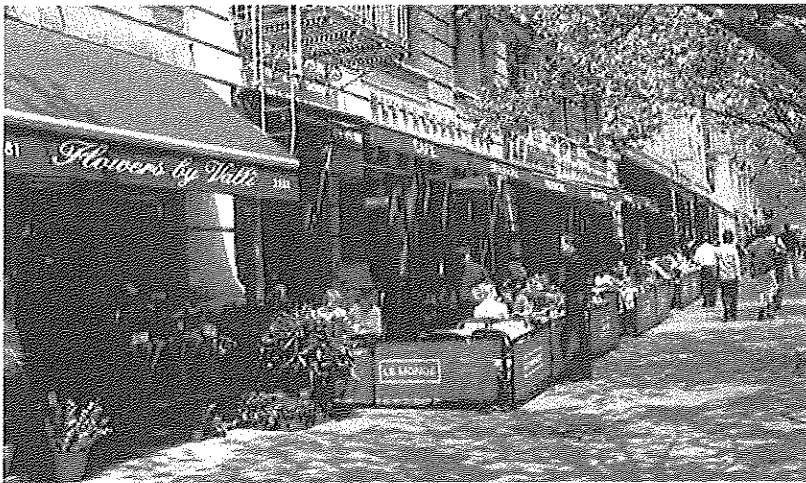
5.5 Cornices

A crowning projection, or cornice, shall be encouraged at the top of a building along the street wall (top of the building for those under 60', and at the stepback for those over). These elements can be very modest in detail. Cornices on Main Street parcels should be more pronounced, following the precedents of the 19th century downtown office buildings.

5.6 Canopies

Another feature for architectural emphasis are canopies and awnings. Canopies and awnings are permitted and encouraged as they provide weather protection and provide visual interest and delight to the streetscape environment. These elements are to be decorative and light weight. Variety and non-repetitive design are desired. Canopies can be constructed of a variety of materials including both fabric and metal. Fabric awnings can be retractable.

Lettering and logos are permitted on the valance flap of the awning but lettering is generally discouraged on the main body of the awning. It is desirable for these projecting elements to incorporate outdoor heating systems to lengthen the comfortable use of outdoor spaces.



Canopies provide visual interest, weather protection, and a human scale to the pedestrian environment

5.7 Skyline

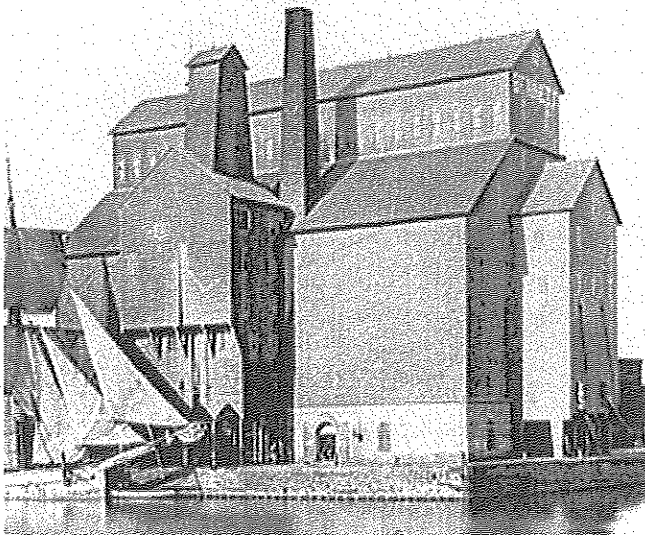
Looking to historical precedent for the area, a goal for the project is to create a varied and highly decorative skyline as seen from afar (adjacent highways, streets, and riverfront open spaces). The varied rooflines are achieved by changing heights, also by varying roof types, roof angles, and the addition of vertical elements to contrast with the roofs.

Rooftop Terraces

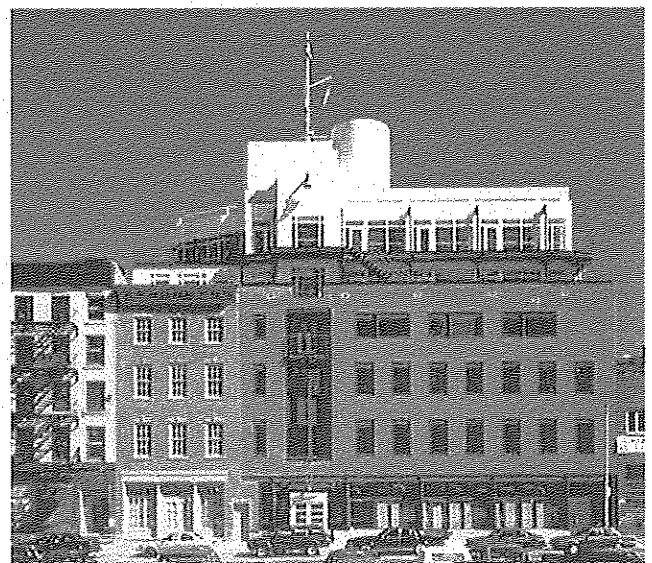
Rooftop terrace structures shall not be enclosed and are not considered an additional building level. Rooftop terraces are encouraged along the Prime Street buildings to take advantage of waterfront views.

Mechanical and HVAC

All exposed mechanical equipment and bulkheads shall be mounted on roofs. Equipment should be integrated into the roof design and screened in a method that is integral to the architectural design of the building and adds visual interest to the skyline. All venting of HVAC equipment shall occur on the interior of development parcels. All venting runs for cooking fans shall be fully enclosed and incorporated into the interior of proposed buildings and vented to the roof where possible.

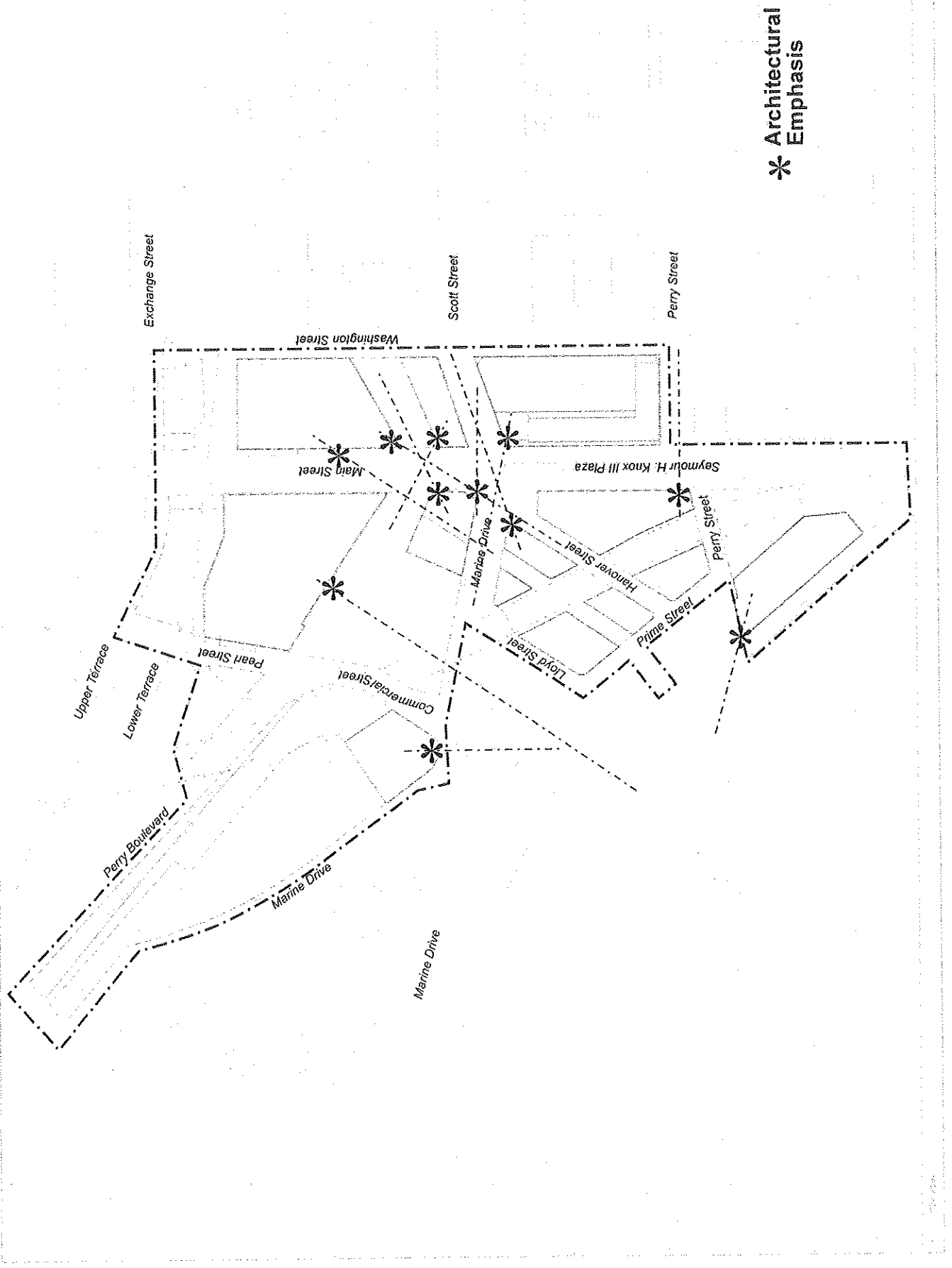


Varied roof forms of the traditional Buffalo Waterfront



Setbacks above the street wall can provide space for rooftop terraces that take advantage of views to the waterfront

Exhibit 8: Architectural Emphasis



6. Materials

New buildings shall be constructed with finish materials that give modern expression to the materials commonly used throughout Buffalo's rich architectural history. Typical waterfront buildings were often constructed with brick and included wood and steel elements that articulated facades and profiles for overhangs, cornices and hoisting mechanisms.

6.1 Building Materials and Color

- *Traditional building materials should be combined with new building technologies.*

Use of innovative building technologies is encouraged throughout the Canal Side Area and should be contrasted with traditional building materials that reference the Erie Canal Harbor's history.

Recent innovations in building materials can showcase advancements in environmentally conscious design and provide a sense of excitement for Canal Side visitors. Examples include cladding systems utilizing terra cotta and glazing systems that combine traditional sun shading elements with innovative structural applications.

- *Use building materials compatible with the heritage of the Canal Side waterfront.*

New buildings shall be constructed with materials common throughout the Buffalo waterfront's rich architectural history. Use of materials such as brick, stone, steel and wood is required for the first 60 vertical feet of a building's base, especially on pedestrian-oriented street wall facades. The use of these high-quality materials is intended to convey a solid, lasting look. Buildings should employ industrial materials as a way of visually and conceptually evoking the industrial heritage of the Buffalo waterfront. These include timber, forged and cast metals as well as rough hewn stone and metal cables.

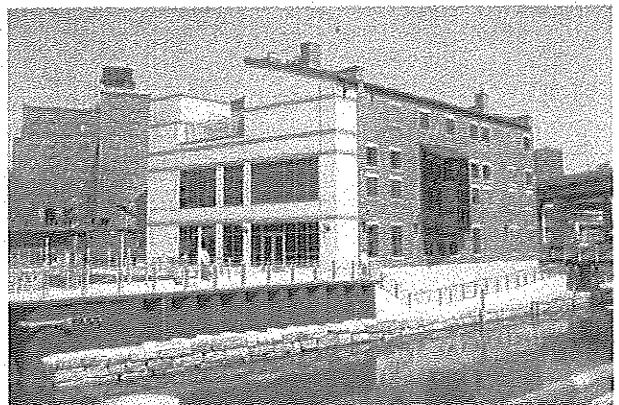
The use of asbestos shingles, imitation stone, imitation brick, stucco, exterior insulation finish systems or vinyl aluminum siding is discouraged on any building façade visible from pedestrian streetscape areas, including pedestrian/service easements and visible upper stories.

- *Create a rich and diverse palate of colors and materials in building facades.*

Facade coloration shall be achieved by use of the inherent color of building materials rather than the application of color to the surface of materials. Paint should be reserved for trims and accents on metal, wood, cornices, frames and the like. Use of material's inherent color sets a standard of authenticity associated with industrial structures. Examples of this type of façade coloration are present in the Cobblestone District, where a variety of earth tones are achieved through the use of unglazed brick, wood, concrete and steel.

- *Use regionally produced masonry and regionally quarried stone.*

Masonry facades shall include the use of stone as architectural accents for lintels, sills, copings and keystones. Foundation bases, sills and lintels shall to the greatest extent possible use local sandstone or limestone. Masonry finishes are encouraged to be natural rather than highly finished or polished;



Mixing of traditional building materials such as brick, stone, and steel in a contemporary composition.

6.2 Glass and Fenestration

- *Ground level fenestration should be designed for retail activities*

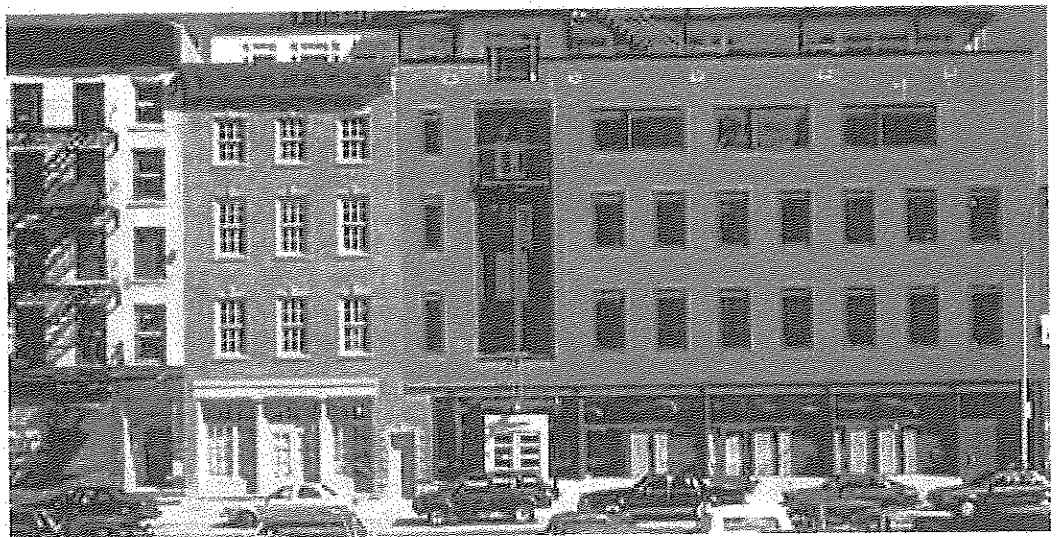
The base of buildings should feature the use of glass for the first two stories to exaggerate the importance of the ground level active use (only one level of active use is required). Glazing and openings shall promote a flexibility of ground floor uses and the potential for change over time. Proportion of glazing to overall wall area shall be a minimum of 75% on ground level street wall frontages facing public rights-of-way. Window openings shall express sills and headers of metal or stone. Transoms are encouraged for larger window units. In all building facades windows must be set back from the wall surface a minimum of six inches from the surface of masonry to the glazing. Tinted or reflective glass shall not be utilized.

- *Fenestration should encourage building accessibility.*

Window proportions, groupings and rhythms shall be integral elements of the design of each building facade and urban street-wall. Punched windows are desired above the 2nd floor. Glazing systems shall be designed to promote area-wide visibility, accessibility and safety during evening hours and during the winter season. Well designed fenestration patterns that evoke historic fenestration are preferred over attempts to replicate historic patterns

- *Window materials and character*

Windows should be constructed using wood or aluminum clad wood with historically accurate profiles on the upper levels and wood or metal on ground floor storefronts common throughout the Buffalo waterfront's rich architectural history. Use of wood or metal is required especially along pedestrian oriented street facades. The use of vinyl windows is not permitted.



Fenestration pattern is on a small scale - 10-15 feet.

7. Signage

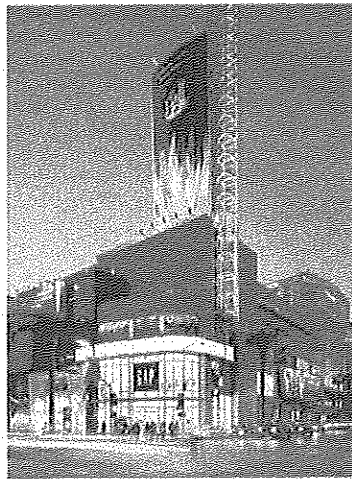
The vision for Canal Side imagines is a wide variety of signage types and locations including rooftops, canopies and vertical marquees. Signage should be integral with building design, not tacked on. They should be pedestrian-oriented in size, placement, material and color as well as auto oriented to be seen from afar. In designated areas, iconic signage is permitted to attract long distance views from the elevated highways. Highway oriented signage should be located within 100 feet of the Thruway and 50 feet of the Skyway. Signs should demonstrate invention and visual delight, but must be cut-out letters.

Lighting should come from direct shielded light sources and be carefully integrated into the overall design of the building so as to provide visibility and safety but avoid creating glare or light distribution that adversely affects motorists or pedestrians.

Neon signs may be allowed so long as they are carefully designed in size, shape and color that complement the architecture of the building and the district.



Canopy



Vertical Marquee



Rooftop

8. Lighting

The vision for Canal Side seeks a maximum amount of light, to create a variety of environments and experiences. Lighting should be used for artistic purposes and carefully integrated with the architecture and buildings, such as to accent edges.

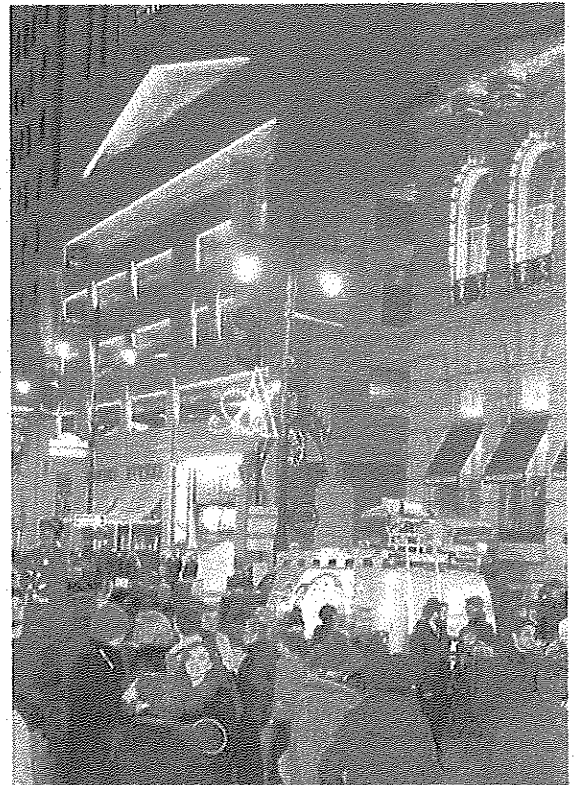
The commercial buildings are intended to be inviting to the public, to encourage visitors to enter the site from the city streets, to shop at the retail stores and eat at the restaurants, and to generally stay longer and take full advantage of the Canal Side Area. Balanced against an appropriate level of street illumination is the need to limit light that is cast up and into upper floors of buildings. Lighting fixtures should be scaled to the pedestrian and have a distinctive industrial character. In particular, the diagonal pedestrian right-of-ways should be lighted to enhance and encourage pedestrian movement. Techniques such as light on catenary sways suspended between buildings, terrace lights, festoons, post lanterns and wall mounted fixtures are encouraged, with the waterfront viewed as the final destination, but with compelling stopping points along the way. Architectural accent lighting should highlight corners and roof edges.

The Developer is responsible for providing adequate quantity and distribution of lighting across the full width of all sidewalks and pedestrian alleys. Floodlighting from the top of buildings may only be used sparingly, and should have effective glare control.

Storefront lighting is one of the best sources of sidewalk lighting in urban areas. It is warm and welcoming, and contributes to a sense of activity and watchfulness. It also generally provides a greater amount of light directly onto the sidewalk than do street-level luminaries. Retail storefronts are an effective way to provide lighting from the buildings. The first four feet inside any retail or restaurant establishment shall have decorative lighting, preferably with visible point sources. Occupancies on the first floor that do not have active, bright window displays shall be designed to provide visual articulation from lighting at no greater than 25 feet intervals. This can be accomplished in a variety of ways, such as:

- Decorative luminaries mounted to walls, posts, brackets, catenary wires, etc.
- Lighting surfaces, textures and objects such as pilasters, wall features, banners, sculptures, graphics, etc.
- Internally lighted glowing architectural or graphic elements such as glass block, display cases, signage panels, canopies, transparencies, etc.
- Lighting entryways (especially if they are recessed).
- Lighting property addresses.

Developers are also responsible for security lighting for all pedestrian and service alleys from 10 PM until dawn. This shall be from metal halide sources, with a time cut off to prevent glare into adjacent upper level windows. These fixtures shall create minimal glare and shadows, and be reasonably attractive. Luminaries used for decorative purposes may be used for this function, or separate lighting fixtures may be employed.



Lighting should be used to accentuate architectural features and provide excitement and visual interest.

9. Erie Canal Harbor Parcels

For the Erie Canal Harbor Parcels, the guidelines approved as part of the 2005 Erie Canal Harbor Amendment to the Urban Renewal Plan for the Waterfront Redevelopment Project (included as an appendix to this document) still apply.

With the exception of:

- The area formerly identified as the South Basin will become a hotel development site with required frontages, areas of active ground floor use, and service/parking access as shown in the accompanying exhibits
- The frontages along the skyway right-of-way are intended to be active building frontages and not service entrances

10. Sustainability Guidelines

The benefits of applying sustainable design principles in the early stages of planning can significantly improve a building's efficiency and the quality of the environment it provides for its occupants. The application of sustainable principles in site engineering and landscape design can reduce costs associated with infrastructure construction, reduce costs for landscape maintenance, reduce building operation costs, reduce impacts on natural systems, and provide enhanced outdoor spaces for recreation and leisure uses. Sustainable design practices must be applied at the earliest phases of design, at all levels of development and continuously from planning through occupancy. The implementation of sustainable principles must be undertaken in a coordinated manner between the design team and Canal Side developers.

The primary purpose of the following sustainability principles and suggested strategies is to establish key performance areas for a sustainable approach to development at Canal Side. These guidelines outline five general sustainability categories:

- Energy
- Indoor Environmental Quality
- Water Management
- Outdoor Environment and Site Construction
- Material Resources and Waste Reduction/Recycling

Within each category, suggested strategies to meet the standards have also been outlined to provide ideas on how environmental initiatives could be integrated into the design of Canal Side.

Energy

Energy consumption can be reduced through the implementation of efficient heating and cooling systems, building orientation, façade materials, roofing materials, shading from trees, use of natural daylight and natural ventilation. The use of renewable energy technologies can reduce operating costs and environmental impacts. To ensure that Canal Side achieves frugal and responsible energy use, the development should focus on three primary energy areas: energy efficiency, passive conditioning, and energy management.

To maximize energy efficiency, Project buildings could be designed to take advantage of the local climate and reduce external loads by optimizing the building orientation and passive heating and cooling of the building, where possible. The overall average temperature throughout the year falls under the comfort zone. Thus, there is a higher heating demand than cooling demand with the exception of the aquarium. In winter, outdoor areas could be zoned with temporary outdoor structures to enhance the usage of these areas. These zones can then be conditioned to comfort with a lower temperature range than indoor areas, thus reducing the overall heating energy usage.

The development could also utilize high efficiency building systems to reduce heating and cooling needs. Heat recovery and air side economizers, which use cool outside air to cool an indoor space, should be included where applicable to ensure overall energy efficiency and visitors' comfort. Employing building control systems for both the lighting and building systems could further reduce the loads for conditioning. Also, outdoor and parking structure lighting systems are important elements that can provide further energy savings by being designed to meet Project lighting and safety goals, while simultaneously minimizing the overall lighting power density for all buildings.

Suggested Strategies:

- Design buildings to take advantage of prevailing winds and solar orientation to reduce cooling and heating needs.
- Utilize integrated building envelope and HVAC systems that achieve thermal comfort based on radiant temperature, local air velocity, relative humidity, and air temperature. See American

Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2007.

- Utilize tree plantings to shade buildings and reduce cooling loads.
- Design for daylight access and view.
- Exterior building materials shall be selected to prevent glare.
- Zone outdoor condition spaces (temporary during winter).
- Ensure efficient end use of energy and reduce peak demand and load shaving.
- Right-size mechanical equipment.
- Specify high performance building system/heat recovery/air side economizers.
- Install building controls and metering to encourage conservation and comfort.
- Install efficient appliances (i.e. Energy Star Rating) and equipment.
- Optimize site lighting design by installing energy efficient interior light fixtures and exterior lighting which minimizes glare and is controlled by automatic timers.
- Purchase electricity power from renewable sources.

Indoor Environmental Quality

Indoor environmental quality is an important component of sustainability because it contributes to the wellness and comfort of building occupants. Studies have shown that improved air quality through use of strategies such as low-emitting materials, personal control systems such as operable windows and programmable thermostats, and exposure to natural light can benefit the health and productivity of building occupants. Indoor environmental quality concerns are addressed in the building design and in the selection of materials. For example, ventilation should be designed to best practice standards to ensure adequate circulation of fresh air. Also, incorporating carbon dioxide monitoring in densely occupied spaces would ensure improved air quality while minimizing energy use.

At Canal Side, building characteristics and indoor environments could be designed to reduce occupant exposure to potentially harmful chemical and biological agents such as carbon dioxide, volatile organic compounds (VOCs), molds, allergens and infectious agents. These improvements may result in health benefits as well as monetary savings due to increased productivity. Office, residential and retail spaces at Canal Side could be designed to maximize exposure to natural daylight. Use of natural light requires less electric light energy, contributes less to internal heat loads requiring cooling and produces the most desirable quality of light, creating an inviting atmosphere.

Suggested Strategies:

- Adopt natural daylighting strategies.
- Design for view access from regularly occupied spaces.
- Provide occupants with local control of temperature and air movement as well as lighting.
- Provide operable windows where possible on the building perimeter away from possible sources of contamination such as loading and service areas and building exhaust fans.
- Use natural ventilation strategies where possible. See ASHRAE 62.1-2007.
- Develop and implement an Indoor Air Quality (IAQ) plan. See Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) IAQ Guidelines for Occupied Buildings Under Construction.
- Provide air quality testing or building flush-out prior to occupancy.
- Provide indoor pollutant and source control and MERV 13 (a measure of filter efficiency) filtration.
- Institute a development-wide green-cleaning program using 100% non-toxic cleaning products.
- Use adhesives and sealants consistent with Green Seal standard GS-36.
- Use paints and coatings with VOC levels specified in Green Seal Standard GS-11.
- Use carpets and pads consistent with American National Standards Institute (ANSI) NSF 140-2007 and the Carpets and Rug Institute (CRI)'s Green Label Plus Program.
- Use composite wood and agrifiber products with no added urea-formaldehyde or adhesives.

Water Management

A sustainable water infrastructure conserves potable water, reuses non-potable water whenever possible, directs and captures stormwater and allows solid settling before discharge to a water body or sewer system. By managing water on-site, the Project can relieve stress on the City's aging water infrastructure.

Water is a significant design feature of the Project, linking activities on-site to those on the Buffalo River. It is important to employ best practice management for the conservation, reuse and quality of water on-site. All buildings at Canal Side should aim to decrease the demand for potable water through efficient plumbing equipment and policies that encourage conservation. For example, reducing impervious surfaces would help stormwater infiltration within the Project Area. Also, metering could be used to help motivate tenants to reduce their potable water demand.

The variety of water-related components within Canal Side, such as the aquarium, boating activities, and canals require special attention to stormwater collection and runoff. It is suggested that Canal Side incorporate stormwater harvesting on-site to collect the water before it mixes with the water used for recreation. The collected rainwater could be treated and stored under the canal or in stormwater tanks throughout the development to be reused for non-potable uses such as irrigation or toilet flushing.

Suggested Strategies:

- Reduce potable water consumption through plumbing fixtures that conserve water for laundry, dishwashing, and restrooms and activated controls on lavatories and sinks. See Energy Policy Act of 1992.
- Reuse grey water, storm water, and condensate water for appropriate non-potable uses such as refilled canal water, toilet flushing, and irrigation.
- Enhance storm water management through the reduction and slowing of runoff water.
- Mitigate storm water runoff from the development.
- Employ drip irrigation where appropriate and utilize highly efficiency irrigation systems.
- Minimize the use of chlorine-based chemicals in all water treatment.
- Meter tenant water use.

Outdoor Environment and Site Construction

Integrating aesthetics with functional responsive design of outdoor areas at Canal Side would offer both environmental and economic benefits, while addressing potential adverse environmental impacts such as stormwater runoff, urban heat island effect, localized air pollution, light trespass, and noise. Also, the development of the landscape by providing ample access to outdoor amenities would enable Canal Side to act as a hub for outdoor and waterfront recreation in Buffalo.

While the summer can be mild and pleasant in Buffalo, the winter can be cold and windy, particularly at the waterfront due to the winds coming from the southwest off of Lake Erie. A variety of strategies can be implemented to create an environmentally responsive environment throughout the seasonal changes in Buffalo weather. In creating a usable outdoor space on the waterfront, it is important to develop strategies that provide comfortable microclimates for Canal Side visitors. Priority should be given to utilizing daylight in the winter months and diverting strong cold, winds from outdoor occupants, while providing strategic shading in the summer and promoting a diverse landscape. The public plaza opposite the destination retailer provides a prime opportunity to create a pleasant outdoor open space as well as create visually appealing landscape berms to protect the canal area from wind. Trees should be planted along the streets where applicable, as they can provide shade for pedestrians walking through the Project. Furthermore, trees can act as a traffic noise buffer and reduce pollution generated by cars.

Exterior lighting plays a key role in enhancing both the daytime and nighttime visitor's experience and safety throughout the Project. In order to highlight the architecture, a lantern effect may be achieved with interior lighting on ceilings and walls in retail stores. This can in turn help to illuminate part of the outdoor walkway. The overall development should specify either full cut off fixtures or set the exterior light poles not

to exceed 15 feet from the ground floor. This will ensure that there is adequate illumination for pedestrians without creating a shadow effect, especially along the canal area. Ideally, light from the exterior fixtures should be diffuse to reduce contrast and potential glare issues.

In regards to snow management, because salt can adversely affect water supply and watersheds by infiltrating surface runoff, best practice management would be to prevent chemicals used from entering watersheds and supplies. Storage of chemicals should be tightly contained and monitored. There should be receptors and drains to mitigate contaminated snow melt runoff, especially into canals or bodies of water and major landscape areas. Another strategy to consider includes installing snow fencing to reduce snow drift to areas that have already been cleaned.

Sustainable concepts for site construction and landscape planting should be implemented in an integrated manner by the engineering and design teams. Site construction operations such as grading and site clearance can have negative impacts on the natural environment. Balancing soil cut and fill on-site eliminates the need to move soil in motorized vehicles off-site. This can reduce negative impacts to air quality and natural storm water drainage patterns. Also, on-site balancing would eliminate the need for fill sites and maintaining topsoil resources.

The construction of paved areas with permeable surfaces or groundwater recharge systems would reduce the need for stormwater drainage infrastructure. Low water use plantings typically reduce the need for irrigation, which could be provided through re-claimed water facilities. Plant material waste could be reduced through the selection of lower maintenance varieties of plants in their natural form and size. Green waste could be composted on site and used for mulching to further reduce maintenance and water needs.

Suggested Strategies:

- Develop and implement an erosion and sedimentation control plan.
- Balance cut and fill on site.
- Utilize daylight access and outdoor shading.
- Reduce shadows on open space.
- Include tree canopies to provide shading.
- Improve outdoor amenities within current open space.
- Use permeable paving or groundwater recharge systems where applicable to increase infiltration and reduce storm water runoff.
- Incorporate vegetated buffers along roadways to help mitigate noise and air pollution and infiltrate storm water runoff.
- Select appropriate plant materials and use other methods to minimize the amount of landscaping waste.
- Group plant materials in hydro zones to reduce irrigation needs.
- Utilize permeable paving materials to increase rain water infiltration and reduce storm water infrastructure needs.
- Reduce or eliminate fertilization of landscape. Use compost as fertilizer rather than synthetic compounds or the least chemically based fertilizers.
- Implement best snow management.
- Minimize skyward lighting that contributes to night sky light pollution. See environmental criteria established by the Illuminating Engineering Society (IES).
- Minimize the concentration of contaminants.

Material Resources and Waste Reduction/Recycling

In general, the construction process can have short-term adverse environmental impacts as equipment, infrastructure and people are introduced to the Project Area. Construction practices and materials should be focused on minimizing the impact of building materials and recycling construction waste. The efficient use of materials and the use of recycled materials, protects the natural environment, reduces the need for

manufacturing and reduces landfill demand. While it is important to choose materials that are consistent with the historic design aesthetic, certain materials could be selected that are manufactured locally or regionally, enhance overall building performance and have the least environmental impact. The emerging standard for a regional material is anything extracted and manufactured within 500 miles of the Project Area. This area includes the Northeast region, part of the Midwest region, and Canada. The use of materials that minimize environmental impact is a key part of an overall green building strategy.

Construction waste could be reduced by developing a waste reduction plan to divert construction waste from landfills. A comprehensive recycling guideline could be developed for the entire Project Area. Also, convenient locations for the collection and storage of recyclable materials should be included in the program of all buildings and facilities in the Project Area. Storage for materials separated per local requirements could be provided. Additionally, given the windy conditions, the project could have a cleaning program in place to mitigate the potential of trash blowing onto the canals.

Suggested Strategies:

- Promote recycling program among developments.
- Develop a comprehensive construction waste management plan.
- Divert construction waste from landfills by reusing waste on-site and recycling remaining waste.
- Utilize ultra-low sulfur diesel for construction equipment.
- Include recycled and local/regional material requirements in all material specifications. See U.S. Environmental Protection Agency's Comprehensive Procurement Guidelines (CPG).
- Use adhesives and sealants consistent with Green Seal standard GS-36.
- Use paints and coatings with VOC levels specified in Green Seal Standard GS-11.
- Use carpets and pads consistent with American National Standards Institute (ANSI) NSF 140-2007 and the Carpets and Rug Institute (CRI)'s Green Label Plus Program.
- Use composite wood and agrifiber products with no added urea-formaldehyde or adhesives.
- Specify wood used for construction to be Forest Stewardship Council (FSC) certified.
- Specify non-mercury, non-asbestos containing materials and equipment.

11. Development Review Procedure

11.1 Canal Side Design Committee

Purpose

The Purpose of the Canal Side Design Committee ("Committee") is to assist the Erie Canal Harbor Development Corporation Board of Directors ("Board") with the development, adoption and implementation of these Guidelines. The Committee's role is to help ensure that the Guidelines and all development at Canal Side promote a cohesive atmosphere that is inspired by the architecture of Buffalo's historic canal district.

Composition, Selection, and Qualifications

1. The Committee shall be comprised of three members. The Committee members shall be appointed by, and will serve at the discretion of the Board with input from the Mayor of the City of Buffalo. The members shall serve until their resignation, retirement, removal by the Board, or until their successors shall be appointed. When the Committee has completed review of all proposed permanent structures within Canal Side, the Committee shall be dissolved and have no further duties.
2. Committee members shall be prohibited from being an employee or an immediate family member of an employee of ECHDC, ESDC or any developer or tenant of a proposed permanent structure within Canal Side. In addition, neither Committee members nor their immediate family members shall engage in any private business transactions with ECHDC, ESDC or any developer or tenant of a proposed permanent structure within Canal Side or receive compensation from any private entity that has material business relationships with same.
3. The Design Committee members shall be knowledgeable in matters pertaining to architectural design and historical context as it relates to Canal Side.

Guideline Consistency Review

1. For each proposed development within Canal Side, the Board shall require the preparation of a site plan and related drawings and information prepared to the specifications set forth below and containing necessary elements as set forth in the Guidelines (hereinafter referred to as "Plans"). Prior to accepting the Plans as complete and authorizing construction, the Board shall refer the Plans to the Committee for review and recommendation. The Committee's evaluation of all Plans shall be limited to consistency with the Guidelines. The following documents are required to be included as part of the Plans:
 - A Site Plan at an appropriate scale describing the proposed use of the land, buildings, walks, parking areas, driveways, and pedestrian and vehicular use, open spaces including landscaping, with square feet calculations noted.
 - Conceptual building plans, elevations, and sections showing organization of building functions/spaces, window fenestration, detailing, and façade materials, and other items to show compliance with the purpose and intent of the Guidelines. These building plans shall include:
 - Plans indicating building mechanical, electrical, and plumbing systems and connections.

Minimum scale: 1/16"=1'-0".

- Plans indicating building perimeter, landscaping, grading, and paving. Minimum scale: 1/16"=1'-0".
 - Ground Floor, Roof, and Typical Floor plans. Minimum scale: 1/16"=1'-0".
 - Building Elevations indicating planar elevation changes, bulkhead, and roof elevations. Minimum scale: 1/8"=1'-0".
 - Building sections indicating building heights. Minimum scale: 1/8"=1'-0".
 - Front-wall Elevation indicating material treatment, location of marquees and cornice details. Minimum scale: 1/4"=1'-0".
 - Outline Specifications for basic mechanical systems, exterior materials, and colors.
 - An analysis of pertinent land use and building requirements in tabular form, showing how the proposed development meets each provision.
 - A written statement of the proposal including floor area, type of building construction, number of parking spaces, preliminary cost estimates, phasing when appropriate, and other data that may assist in reviewing the proposal.
 - Any other information deemed by the Committee to be necessary to evaluate the proposed development's consistency with the Guidelines.
2. The Committee shall provide a written recommendation to the Board within twenty one (21) days of receiving Plans for review. The Committee shall recommend (i) approval; (ii) approval with modifications; or (iii) disapproval, of the Plans to the Board. The Committee shall include in its written recommendation its reasoning therefore and suggested Plan modifications, if any.

Other Powers of the Canal Side Design Committee

1. Subsequent to the adoption of the Guidelines by the Board, any proposed modification to the Guidelines shall be referred to the Committee for review and recommendation.
2. Upon request of the Board, the Committee shall provide guidance to the Board on issues relating to any design or planning matter associated with Canal Side, including landscaping, lighting and/or signage.
3. The Committee shall have such powers as are necessary to carry out its duties under this Charter including but not limited to the power to meet with and obtain information it may require from ECHDC, ESDC or any developer or tenant of a proposed permanent structure within Canal Side.
4. All recommendations of the Committee shall be determined by majority vote. If any member of the Committee disagrees with a majority recommendation, that member may submit a report to the Board detailing his or her views. Such a report shall accompany the majority's written

recommendation.

11.2 City at Buffalo Planning Board Review

Following the referral of the Plans to the Committee, the Site Plans and Related Drawings shall also be referred to the City of Buffalo Planning Board ("Planning Board") for public hearing and consideration prior to the Board accepting the Plans as complete and authorizing construction. The Planning Board's evaluation of all Plans shall be limited to consistency with the Guidelines. Such referral shall be according to the following rules and procedures:

1. Upon receipt of a complete package of Plans, the Planning Board shall schedule and hold a public hearing following the same rules and procedures used for Citywide Design and Site Plan review.
2. An ECHDC representative and/or representatives of the developer proposing a development project within Canal Side shall appear before the Planning Board to present the project and answer questions that the Planning Board may have.
3. Following the public hearing, the Planning Board shall recommend: (i) approval, (ii) approval with modifications or (iii) disapproval, of the Plans based on consistency with the Guidelines. The Board shall include in its recommendations its reasons therefore and suggested Plan modifications, if any.
4. In addition, the Planning Board shall be provided with the Committee's recommendation prior to the Planning Board making its recommendation on the Plans to the Board.
5. Notwithstanding anything to the contrary herein, the Planning Board must make a recommendation to the Board within 62 days of receiving a referral of Plans and the Board may accept the Plans as complete and authorize construction without a Planning Board recommendation if this period has elapsed.
6. The developer or entity proposing a Project within Canal Side, or, if there is no proposer, ECHDC, shall pay an application fee to the Planning Board in connection with any referral of Plans made to the Planning Board. The application fee shall be calculated in the same manner that Site Plan application fees are calculated for Citywide Design and Site Plan review.
7. Following a recommendation from the Planning Board to the Board, a representative of the Planning Board may appear at the next following Board meeting to present the Planning Board's recommendation and its views thereon.

Appendix:

Sections 3.3 & 3.5 of the
2005 Erie Canal Harbor Amendment to the
Urban Renewal Plan for the Waterfront Redevelopment Project

3.3 Site Design Guidelines

3.3.1 Intent

The Erie Canal Harbor Design Guidelines describe the overarching design principles for all future construction in the Erie Canal Harbor area. The guidelines define the intended quality, characteristics and coherence of the urban elements, which regulate how the site shall be used for civic and commercial purposes. The guidelines define building mass, street wall heights, façade articulation and the location of land uses necessary to create a lively urban waterfront environment.

The building bulk controls are intended to create scale relationships between new buildings and surrounding areas and that will help define urban spaces for anticipated activities in the area. The design guidelines are also intended to distinguish the urban scale of Downtown Buffalo and the HSBC Arena to the historic urban/pedestrian scale of the Erie Canal Harbor Area. The historic building fabric of Buffalo's waterfront has serve as the inspiration for these design guidelines. Review of historic photographs indicate that the Erie Canal Harbor Area and surrounding districts was once occupied by a combination of 3-5-story masonry buildings devoted to residential, commercial, transportation, and industrial purposes, as well as wooden grain elevators that soared to heights as tall as the existing Buffalo Skyway Bridge.

In turn, these design guidelines have been shaped by the constraints and opportunities of present site conditions and contemporary building regulations/practices, and are intended to respond to the market conditions associated with mixed-use real estate development. Special care has been taken to avoid creating an inauthentic facsimile of the historic urban form or specific buildings (as insufficient records exist to produce reconstructed buildings at a high level of excellence), but rather to realize a dense and urbanized setting that evokes the development characteristics of historic precedents in the Erie Canal Harbor Area.

3.3.2 Parcelization Plan

The seven development parcels indicated on the Land Use Plan (see **Exhibit 3**) represent potential building sites. Three transitional parcels are located under the Buffalo Skyway and are described below. Each is subject to design guidelines, which identify physical design constraints such as height restrictions, potential building entrances, service access, and façade build-to lines; as well as use regulations such as permissible uses, parking restrictions, and ground-level use guidelines.

The orientation of each development parcel is indicated by a building frontage line, called a build-to line, in order to create a continuous street wall, which defines the overall Erie Canal Harbor block. The street wall of Parcel Nos. 1, 2, 3, 4, 5, and 6 are coordinated in order to form the "core" Erie Canal Harbor block, whereas Parcel No. 7 is a free standing development parcel forming an independent block.

The design guidelines allow for flexibility particularly with regards to the area under the Skyway which is considered to be transitional space and includes three parcels: S-1, S-2 and S-3. The following requirements shall be met:

- The mandatory provision of pedestrian/service easements to create service circulation under the Skyway piers.
- The mandatory provision of Skyway pier access for NYSDOT maintenance activities.
- Approval/permitting by NYSDOT regarding permitted uses, building design, clearances, and other requirements upon NYSDOT-owned land and upon City-owned land having a permanent easement for the Skyway right-of-way.

3.3.3 Density and Bulk Regulations for Development Parcels

Requirements for construction on each development parcel are summarized in terms of:

- Parcel size;
- Build-to lines to encourage a continuous street wall along public rights-of way;
- Minimum and maximum allowable building heights;
- Maximum development density (floor area ratio); and
- Required open space area.

A summary of bulk regulations for each parcel is presented in **Table 1**.

Table 1
Density and Bulk Requirements by Development Parcel

Parcel ¹	Parcel Size (sq. feet)	<u>Build-To Line²/ Max. Front Yard (feet)³</u>	<u>Min. Building Height (stories)³</u>	<u>Min. Building Height (feet)³</u>	<u>Max. Building Height (stories)</u>	<u>Max. Building Height (feet)</u>	<u>Max. FAR ⁴</u>	<u>Min. Open Space (sq. feet)</u>
Main Development Parcels								
1	3,880	0	2	30	4	60	3.60	400
2	15,365	0	2	30	4	60	3.60	1,540
3	9,408	0	2	30	4	60	3.60	1,000
4	7,630	0	2	30	4	60	3.60	760
5	29,045	0	2	30	4	60	3.60	2,900
6	11,026	0	2	30	4	60	3.60	1,100
7	5,653	0	2	30	4	60	3.60	570
Parcels Under Buffalo Skyway								
S-1	7,210	0	=	=	<u>As permitted by NYSDOT ⁵</u>	<u>As permitted by NYSDOT ⁵</u>	3.60	720
S-2	4,238	0	=	=	<u>As permitted by NYSDOT ⁵</u>	<u>As permitted by NYSDOT ⁵</u>	3.60	420
S-3	12,383	0	=	=	<u>As permitted by NYSDOT ⁵</u>	<u>As permitted by NYSDOT ⁵</u>	3.60	1,240

Notes:

¹ Parcel locations depicted on Exhibit 3.

² The build-to line for each parcel shall be the front lot line(s) abutting designated public rights-of-way; the maximum front yard setback shall be no more than 0 feet for the first three stories of buildings on any development parcel.

³ Intent for new buildings on each of the parcels is to reflect the scale and mass of historic development that was once present in the Erie Canal Harbor Area (3-story buildings or taller). This minimum may be employed if Redeveloper demonstrates that proposed use and/or market conditions for a particular development would prevent the feasibility of multi-level building(s), and provided that the floor-to-floor height for the base story is at least 18 feet and the upper story height is at least 12 feet.

⁴ Floor Area Ratio.

⁵ Development shall be regulated by NYSDOT requirements to ensure safety and clearance around the Buffalo Skyway Bridge (NYS Rte 5); in no case shall the height of buildings exceed 4 stories or 60 feet.

3.3.4 Build-to Lines, Street Walls and Heights

Bulk controls for buildings provide continuity at the scale of the neighborhood and respond to the heights of existing site conditions such as the heights of the HSBC Arena and the Skyway. Street wall height is measured at build-to lines, which define the mandatory primary façade position on all development parcels. The character, height and massing of Erie Canal Harbor street walls should:

- Define a continuous street and highly articulated building by building wall mass along all build-to lines (i.e., zero front yard setbacks along public rights of way);
- Encourage variation of building size and cornice level heights along Prime Street;
- Encourage a similarity of cornice level heights along Main Street and Scott Street



Prime Street – 1912

(Source: *Vogel et. al, America's Crossroads, Buffalo's Canal Street/Dante Place the Making of a City*)

3.3.5 Building Heights

The calculation of building heights does not include architectural features such as cornices, parapets or corner towers; or functional elements such as elevator overruns, HVAC equipment or roof bulkheads. Building heights assume a maximum ground level floor-to-floor height of 18 feet and a minimum upper-level floor-to-floor height of 12 feet.

3.3.6 Street Wall Definition

Street walls on public rights-of-way are encouraged to vary in height and be expressed in distinguishable façade types to evoke multiple buildings/uses. Variation in street wall façades is encouraged along upper levels and roof lines, while maintaining a relationship to the group along the buildings' base levels.

The character and scale of façades on Prime, Lloyd, Hanover, Dayton, and Main Street should relate to the concept of the commercial and industrial working waterfront of the 19th century as elaborated in the architectural design guidelines (Section 3.5). The character and scale of façades forming the street wall along Scott Street and Main Street may involve the combined use of traditional and innovative materials to express a transition from a Canal-era to a more modern-era design vernacular.

3.3.7 Ground Level Uses

Active uses that engage pedestrians shall be located along all street frontages with multiple storefront entrances required. Ground level land uses shall be established and designed to create an active urban streetscape. The following uses are required in ground floor areas:

- Commercial uses, such as retail stores, retail service establishments, food and beverage establishments; and/or entertainment facilities, and
- Institutional uses, such as museums and similar facilities of an educational or heritage nature.

Commercial Uses

Commercial uses, such as retail shops, shall front upon public right-of-ways (i.e. pedestrian or vehicular). Small, individually-managed retail shops and food and beverage establishments are encouraged to locate at waterfront areas and expand to upper floors from the ground-level in order to take advantage of waterfront views. Ground floor uses should be oriented towards side streets to create an active street edge.

Larger shops and commercial and professional offices are encouraged to locate on Main Street and Scott Streets. The design of large-scale commercial uses that combine a variety of diverse program elements with substantial internal building circulation, such as urban entertainment complexes, should creatively address these design guidelines. Large single-use program areas such as multiplex cinemas or large-scale big box retail spaces that discourage street level activity and interaction with the larger Erie Canal Harbor site are prohibited.

Institutional Uses

Parcels 1, 2, and S-1 have been designated the preferred site for a large cultural institution, such as an Erie Canalway Visitor Center. By grouping these sites together under the Skyway – while maintaining pedestrian and service circulation easements – a combined building area of approximately 65,000 gross square feet can be achieved.

Housing/Office/Hotel-Lodging Uses

In keeping with the intent to create a diverse urban setting, the incorporation of residential uses (as well as office, and hotel-lodging uses) are strongly encouraged on each of the development parcels as part of mixed-use buildings. However, in keeping with the objective of encouraging a vibrant mixed of pedestrian-oriented, street-level activities, such uses shall be permitted only on the upper floors of mixed-use structures with the exception of ground-level lobby and reception areas.

3.3.8 Skyway Pedestrian/Service Easements

The pedestrian/service easements extending from Lloyd to Perry Streets under the Skyway provide public and service access to the development parcels. The placement of these easements

in the plan responds to NYSDOT requirements to preserve access to Skyway piers for maintenance vehicles (15 feet minimum clearance around the piers as well as 15 feet access ways to the piers).

These pedestrian/service easements may be held in private ownership, but shall remain publicly accessible. Conspicuous signage shall designate areas as publicly accessible spaces. Pedestrian easements are to remain open to the public during extended business hours. If a single owner controls two adjacent development parcels, easements may be bridged over or may become interior spaces within a building, as long as public access and circulation and open space requirements are preserved.

3.3.9 Parcel Assembly or Subdivision

The development parcels have been designed to encourage a variety of alternative building configurations, ensuring flexibility in the development process. In certain development scenarios, some parcels may be joined together into one building. The opportunity for parcel assembly and subdivision has been inspired by examples of publicly accessible private space in Downtown Buffalo. A precedent such as the Ellicott Square Building demonstrates how urban design can enhance the comfort of pedestrians during winter months, while also providing exterior access to ground level uses. A variety of façade and cornice treatments is encouraged when joining parcels.

Assembly or joining of the following parcels may be permitted, provided that NYSDOT use/permitting requirements are met and the provision of improved open space on a minimum of 10% of the development parcel is provided:

- Parcel 1 to Parcel 2;
- Parcel 3 to Parcel 4; and
- Parcel 5 to Parcel 6.

No more than two adjacent parcels shall be assembled and parcel assembly across a public right-of-way shall not be permitted.

Parcels may also be subdivided into smaller developable parcels of a minimum of 1,000 square feet in area. Subdivided parcels must be oriented upon a public right-of-way and have a minimum 30 feet frontage on such right-of-way.

3.3.10 Frontage Improvements

Redevelopers shall improve all front and side yard areas along street frontages and pedestrian easements, so as to provide a continuous, pedestrian-oriented, streetscape environment. Components of such improvements shall be consistent with the design characteristics of adjoining public improvements. Required frontage improvements may include, but not be limited to hardscape paving, landscaping, and Americans with Disabilities Act (ADA) access

ramps to building entrances, as defined in urban design streetscape guidelines and architectural design guidelines.

3.3.11 Building Access and Entrances

Primary building entrances shall be oriented to right-of-ways, including Lloyd, Perry, Prime, Main, Scott, and Hanover Streets or the Prime Slip accessway. Primary building entrances shall not be located in pedestrian/service easements under the Skyway.

3.3.12 Parking, Loading, Drop-Off, Service and Dumpster Locations

3.3.12.1 Parking Uses

There are no minimum requirements for the provision of off-street parking on any of the development parcels in the Erie Canal Harbor Area. Accessory surface parking areas may be constructed as part of a proposed development, provided that such areas be accessible only from the Skyway/service easement area, and have a minimum 5-foot setback from any public right-of-way. Non-enclosed surface parking areas shall be fully screened from rights-of way by means of landscaping or solid walls consistent with the architectural guidelines. On Parcels 1-7, non-enclosed surface parking areas shall not cover more than 15% of a parcel's total area. On Parcels S-1, S-2, and S-3, non-enclosed surface parking areas shall not cover more than 50% of a parcel's total area.

Enclosed parking areas as part of an overall building design are encouraged provided they too are only accessible from the Skyway/service easement area. Below-grade enclosed parking as part of an overall building design may also be permitted, provided measures have been taken to address archeological deposits that potentially may be found on a particular parcel (see Section 3.6). In either case, doors or portals to such enclosed parking areas shall not open or front upon any public right-of-way.

3.3.12.2 Service Access

Loading and service access areas for building shall be accessed from the Skyway/service easement area for parcels 1 through 6 and from of Perry Street for Parcel 7. Skyway piers are to remain fully accessible by maintenance vehicles with 15 feet clearance provided on all sides.

3.3.12.3 Loading and Drop-Off

Passenger drop-off lanes are provided within right-of-way of all cobblestone access roads. Curbside commercial loading shall be permitted for storefronts during specially designated times only.

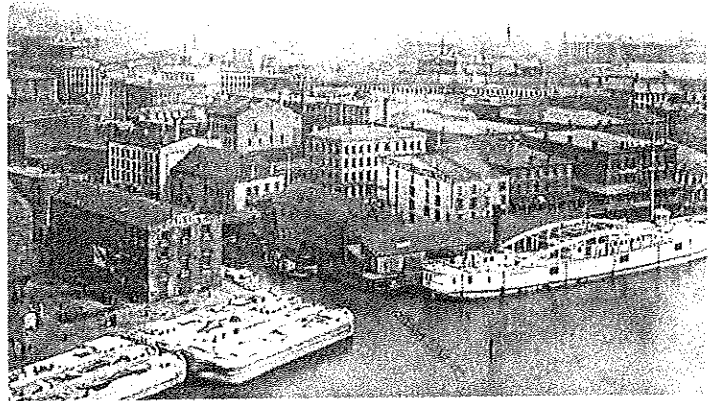
3.3.12.4 Refuse Collection

Refuse collection areas and dumpster locations shall be fully enclosed within portions of principal buildings for which they proposed to serve and shall be screened from view so as not to affect other views from around the site.

3.5 Architectural Design Guidelines

3.5.1 Intent

New buildings shall be constructed with finish materials common throughout Buffalo's rich 19th century architectural history. Typical waterfront buildings were often constructed with brick and included wood and steel elements that articulated façades and profiles for overhangs, cornices and hoisting mechanisms.



Aerial Photograph of Erie Canal Harbor Area – ca. 1870s
(Source: Buffalo and Erie County Public Library)

Design references to Buffalo's industrial waterfront heritage should be made in conceptual as well as visual terms. The waterfront environment was one of industry and purpose and it was rich in technical innovation. The structures built here were the most innovative and advanced of their kind (particularly grain elevators), and they were admired as such around the world. The design of new buildings and structures should seek inspiration from the rich industrial and architectural history of the Buffalo waterfront and should seek to uphold its strong history of technical innovation.

3.5.2 Building Materials and Color

Use building materials compatible with the heritage of the Erie Canal Harbor waterfront.

New buildings shall be constructed with materials common throughout the Buffalo waterfront's rich architectural history. Use of materials such as brick, stone, steel and wood is required, especially on pedestrian-oriented street wall façades. The use of asbestos shingles, imitation stone, imitation brick, stucco, exterior insulation finish systems or vinyl aluminum siding is not permitted at any building façade visible from pedestrian streetscape areas, including pedestrian/service easements and visible upper stories. Use of roof traditional materials such as metal and slate shingles is recommended.

Traditional building materials should be combined with new building technologies.

Use of innovative building technologies is encouraged throughout the Erie Canal Harbor and should be contrasted with traditional building materials that reference Erie Canal Harbor history. Innovative façade technologies may be used along non-historic street façades (e.g., Scott Street).

Recent innovations in building materials can showcase advancements in environmentally conscious design and provide a sense of excitement for Erie Canal Harbor visitors. Examples include cladding systems utilizing terra cotta and glazing systems that combine traditional sun shading elements with innovative structural applications.

Create a rich and diverse palate of colors and materials in building façades.

Façade coloration shall be achieved by use of the inherent color of building materials rather than the application of color to the surface of materials. Paint should be reserved for trims and accents on metal, wood, cornices, frames and the like. Use of material's inherent color sets a standard of authenticity associated with industrial structures. Examples of this type of façade coloration are present in the Cobblestone District, where a variety of earth tones are achieved through the use of unglazed brick, wood, concrete and steel.

Use regionally produced masonry and regionally quarried stone.

Masonry façades shall include the use of stone as architectural accents for lintels, sills, copings and keystones. Foundation bases, sills and lintels shall to the greatest extent possible use local sandstone or limestone. Masonry finishes are encouraged to be natural rather than highly finished or polished; use of polished stone is not permitted on any finished surfaces.

Building Materials used on Prime Street frontage should relate to Industrial Working Waterfront

Buildings along the waterfront should employ industrial materials as a way of visually and conceptually evoking the industrial heritage of the Buffalo waterfront. These include timber, forged and cast metals as well as rough hewn stone and metal cables.

3.5.3 Glass and Fenestration

Fenestration should encourage building accessibility.

Window proportions, groupings and rhythms shall be integral elements of the design of each building façade and urban street-wall. Glazing systems shall be designed to promote area-wide visibility, accessibility and safety during evening hours and during the winter season. Well-designed fenestration patterns that evoke historic fenestration are preferred over attempts to replicate historic patterns.

Ground level fenestration should be designed for retail activities.

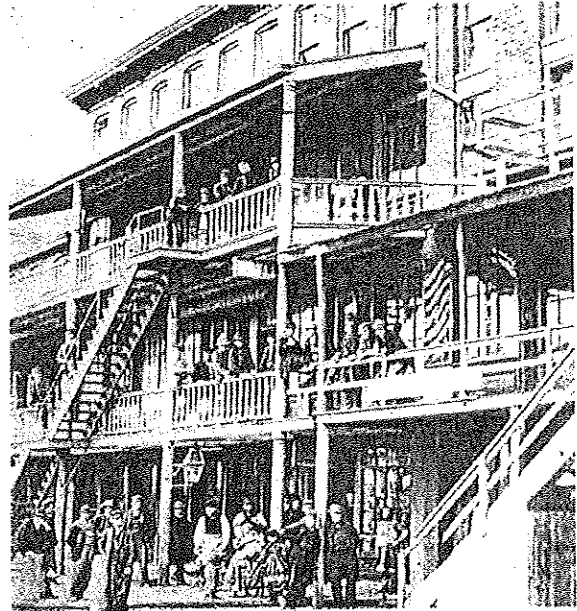
Glazing and openings shall promote a flexibility of ground floor uses and the potential for change over time. Proportion of glazing to overall wall area shall be a minimum of 75% on street wall frontages facing public rights-of-way. Window openings shall express sills and headers of metal or stone. Transoms are encouraged for larger window units. In all building façades windows must be set back from the wall surface a minimum of six inches from the surface of masonry to the glazing. Tinted or reflective glass shall not be utilized.

Upper-level fenestration should evoke historical commercial and industrial precedents.

Typical window proportions shall be vertically oriented and a minimum ratio of 1:1.5 in width to height. Window units of this proportion may be grouped together to create openings of varied proportions. Architects are encouraged to refer to the upper-level window arrangements of 19th century warehouse and loft buildings as models appropriate for Erie Canal Harbor elevations.

Window materials and character

Windows should be constructed using wood or aluminum clad wood with historically accurate profiles on the upper levels and wood or metal on ground floor storefronts common throughout the Buffalo waterfront's rich architectural history. Use of wood or metal is required especially along pedestrian oriented street façades. The use of vinyl windows is not permitted. The profile of the windows should invoke the character of the 19th century buildings in this district especially along the pedestrian oriented historic street façades. Big, bulky metal profiles are strongly discouraged. It is most important to maintain relationship to historic profiles and proportions.



Balconies and Storefronts on Central Wharf – ca. 1870s.
(Photo courtesy of Harvey Holzworth)

3.5.4 Storefront and Retail Façades

The design of storefronts, entranceways and awnings should promote a sense of openness; making sites visually accessible creating an active and vibrant atmosphere with displays that encourage active street life and window shopping.

- Storefronts should be integrated into the design and materials of the entire building. The storefront's bulkhead/kneewall should be constructed of a durable and evocative material.
- The design of the doors should contribute to the character of Erie Canal Harbor and be compatible with the storefront design and material.
- Interior display lighting should be installed to include adjustable incandescent light fixtures. No fluorescent lighting shall be utilized for signage purposes.
- Security grills and similar systems are discouraged; however, if the Redeveloper can demonstrate a need for such equipment, they shall be installed in the most unobtrusive manner possible. The only acceptable security grill system shall be installed internal to the building, behind display windows using open mesh grills, plexi-glass, or similarly designed

semi-transparent material to provide visibility into the establishment and for maintaining streetscape interest. Permanent bars on windows, roll-type exterior doors, and/or any other systems that would obscure building features are prohibited.

- First floor awnings are permitted and encouraged as they provide weather protection and accentuate the color, pattern, and graphics of the streetscape environment. Retractable fabric awnings are preferable over fixed metal awnings. Awnings should complement the color scheme of a building and should not project more than 10 feet over an adjacent public right-of-way or ¼ of the sidewalk width of such right-of-way, whichever the lesser.³ Every part of the framework of awnings shall be at least nine feet above the sidewalk. Lettering and logos are permitted on the valence flap of the awning but lettering is generally discouraged on the main body of the awning. Awnings shall not under any circumstances be internally or backlit, or include Day-Glo and reflective plastic finishes. In addition, the primary purpose of awnings shall not be signage.
- Permanent structures on each building shall serve as infrastructure for store signage, pedestrian easement lighting or as shading devices. Steel bar or perforated overhangs can also serve as structure for signage³. The purpose is to create a common element across the frontage, which varies in geometry, materials, color and height. The structures should retain from building to building and the height shall vary anywhere between the ground level and second level glazing.
- Any storefront with a ground level restaurant use may have a hardscape front yard that extends to the sidewalk area as exterior café space or terrace area³. The use of temporary railings may be permitted to separate café dining from sidewalk areas, provided railings utilized complement building materials and reference the heritage of the area. Railing parts and fittings shall be removable and designed so as not to damage any street maintenance equipment.

3.5.5 Terraces

Rooftop terraces are encouraged along the Prime Street buildings to take advantage of waterfront views. Articulation of rooftop structures should contribute to a lively building identity when seen from a distance. Rooftop terrace structures shall not be enclosed and are not considered an additional building level.

3.5.6 Façade Profiles and Articulation

The waterfront building parcels shall be articulated to respond to individual retail uses.

Storefront design and definition of width shall be expressed in façade articulation. The diversity of storefront articulation on one parcel will break down the scale of the overall parcel and street

³ All structures/uses that are proposed to extend over a public right-of-way shall comply with City public street encroachment regulations under Chapter 413 of the City of Buffalo Charter and Code.

wall. The first level of buildings should be articulated by material change to express a building base. The maximum width of one storefront articulation is 40 feet.

Cornice lines shall be expressed as unique building elements.

A crowning projection, or cornice, shall be encouraged at the top of all building walls facing a street. These elements can be very modest in detail. Cornices on Main Street parcels should be more pronounced, following the precedents of the 19th century downtown office buildings.

Rooftops and Bulkheads.

In the case of Parcels 2, 4 and 6, rooftop terraces are encouraged for restaurant use, as long as they are set back at least 10 feet and are covered by a rigid structure. Such rigid structures are intended protect users from any potential fallout from the Buffalo Skyway. All rooftop equipment should be finished or painted to complement building materials.

Mechanical and HVAC.

All exposed mechanical equipment and bulkheads shall be mounted on roofs. Equipment that is visible from afar should be screened from view and enclosed on four sides and the roof. When enclosing rooftop equipment consideration should be given to minimizing the impact on views from parcels on the site and adjacent blocks. All venting of HVAC equipment shall occur on the interior of development parcels. All venting runs for cooking fans shall be fully enclosed and incorporated into the interior of proposed buildings and vented to the roof.

3.5.7 Signage and Graphics

Accessory signs as defined in Section 3.1 shall be permitted upon development parcels or lots in the project area. Non-accessory signs shall be prohibited anywhere in the project area.

Where permitted, signage and graphics should be pedestrian-oriented in size, placement, material and color.

Perpendicular signs placed approximately 8-12 feet above the ground plane, extending no more than 5 feet from the building face, and with a total area of no more than 16 sq. ft., are strongly encouraged. No more than one horizontal sign per establishment should generally be permitted, except in those instances where an establishment has more than one customer entrance or faces onto more than one public right-of way.

Wall signs attached flush to the building façade are also encouraged, so long as they do not extend above the roofline and do not obscure architectural details or features, including windows, transoms, or cornices. Signs for ground floor establishments should not extend past the ground floor.

Freestanding pole signs shall not be used under any circumstances. Under no circumstances should signs be back-lit or internally lit. Instead, lighting should come from direct shielded light sources and be carefully integrated into the overall design of the building so as to provide visibility and safety but avoid creating glare or light distribution that adversely affects motorists or pedestrians.

Neon signs may be allowed so long as they are carefully designed in size, shape and color that complement the architecture of the building and the district. Temporary signs of any type are prohibited.

3.5.8 Lighting

The commercial buildings are intended to be inviting to the public, to encourage visitors to enter the site from the city streets, to shop at the retail stores and eat at the restaurants, and to generally stay longer and take full advantage of the Erie Canal Harbor. Balanced against an appropriate level of street illumination is the need to limit light that is cast up and into upper floors of buildings. Lighting fixtures should be scaled to the pedestrian and have a distinctive industrial character. In particular, the diagonal pedestrian right-of-ways should be lighted to enhance and encourage pedestrian movement. Techniques such as light on catenary sways suspended between buildings, terrace lights, festoons, post lanterns and wall mounted fixtures should strive to create an atmosphere of European street fairs, with the waterfront viewed as the final destination, but with compelling stopping points along the way.

To create a well-lit, welcoming pedestrian environment, luminaries should be mounted at a height of 10-15 feet high, no more than 25-35 feet apart.

The redeveloper is responsible for providing adequate quantity and distribution of lighting across the full width of all sidewalks and pedestrian alleys. Floodlighting from the top of buildings may only be used sparingly, and should have effective glare control. The redeveloper shall regularly maintain the lighting, and replace burned out lamps within 48 hours.

Storefront lighting is one of the best sources of sidewalk lighting in urban areas. It is warm and welcoming, and contributes to a sense of activity and watchfulness. It also generally provides a greater amount of light directly onto the sidewalk than do street-level luminaries. Retail storefronts are an effective way to provide lighting from the buildings. The first four feet inside any retail or restaurant establishment shall have decorative lighting, preferably with visible point sources, that is controlled to remain on until at least 11:00 PM. Occupancies on the first floor that do not have active, bright window displays shall be designed to provide visual articulation from lighting at no greater than 25 feet intervals. This can be accomplished in a variety of ways, such as:

- Decorative luminaries mounted to walls, posts, brackets, catenary wires, etc.
- Lighting surfaces, textures and objects such as pilasters, wall features, banners, sculptures, graphics, etc.

- Internally lighted glowing architectural or graphic elements such as glass block, display cases, signage panels, canopies, transparencies, etc.
- Lighting entryways (especially if they are recessed).
- Lighting property addresses.

Redevelopers are also responsible for security lighting for all pedestrian and service alleys from 10 PM until dawn. This shall be from metal halide sources, with a time cut off to prevent glare into adjacent upper level windows. These fixtures shall create minimal glare and shadows, and be reasonably attractive. Luminaries used for decorative purposes may be used for this function, or separate lighting fixtures may be employed.

Although vehicular access is required to Skyway piers, service access to the interior of Erie Canal Harbor Block should not be treated as a back-alley with wall packs and security lights. These areas should be designed to function as pleasant pedestrian areas as well. Care should be taken to minimize both glare and shadows, to avoid creating dark places, i.e., avoid spacing light fixtures too widely or selecting fixtures that distribute light too narrowly.

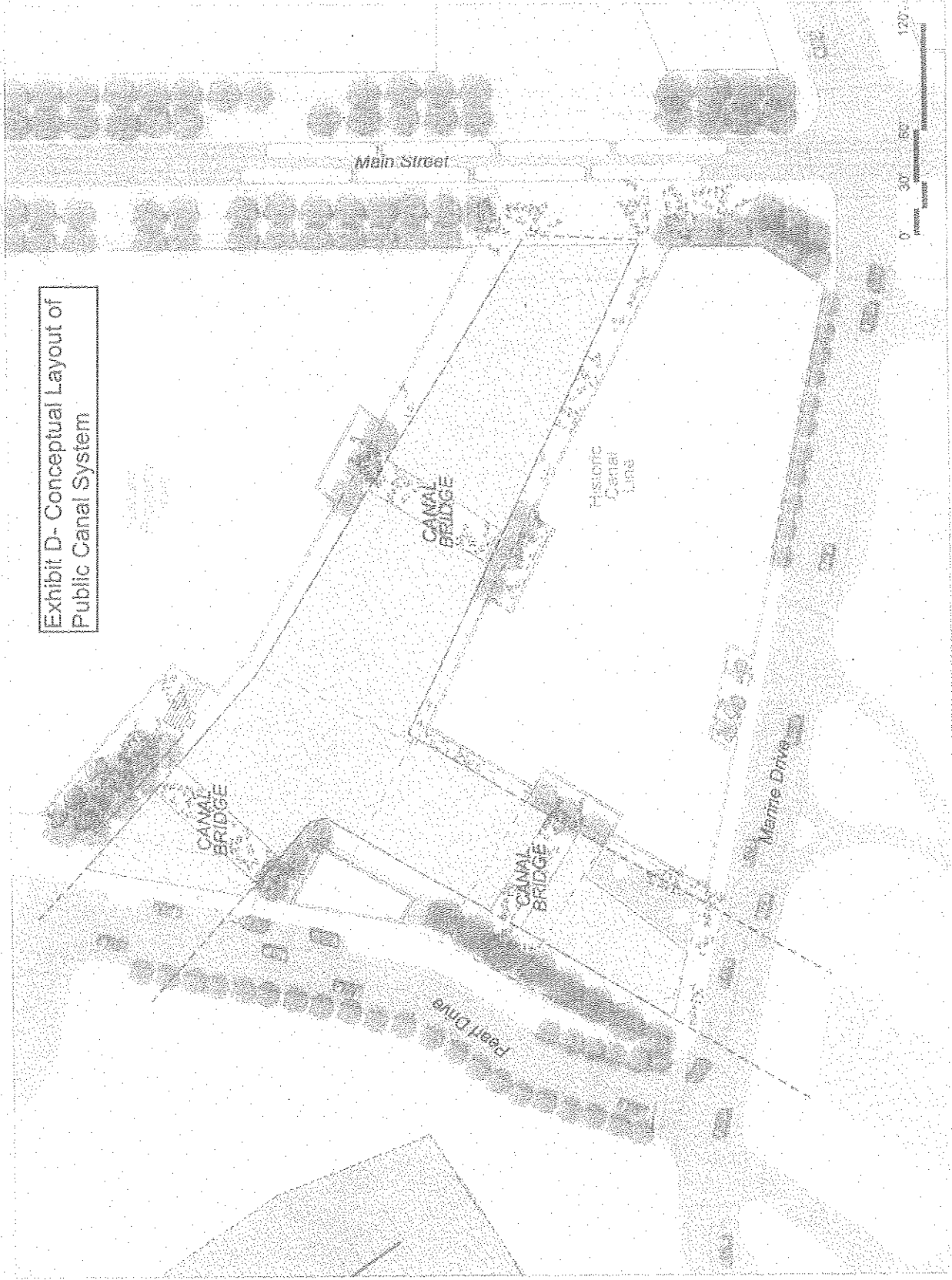
3.5.9 Temporary Structures

Temporary structures will be permitted throughout the Erie Canal Harbor site, subject to approval by the Division of Licenses or its designee. Examples will include temporary ticketing stations, interim festival structures, etc. The site location and design of all temporary structures, that remain more than 72 hours, shall follow the same approval process as permanent structures.

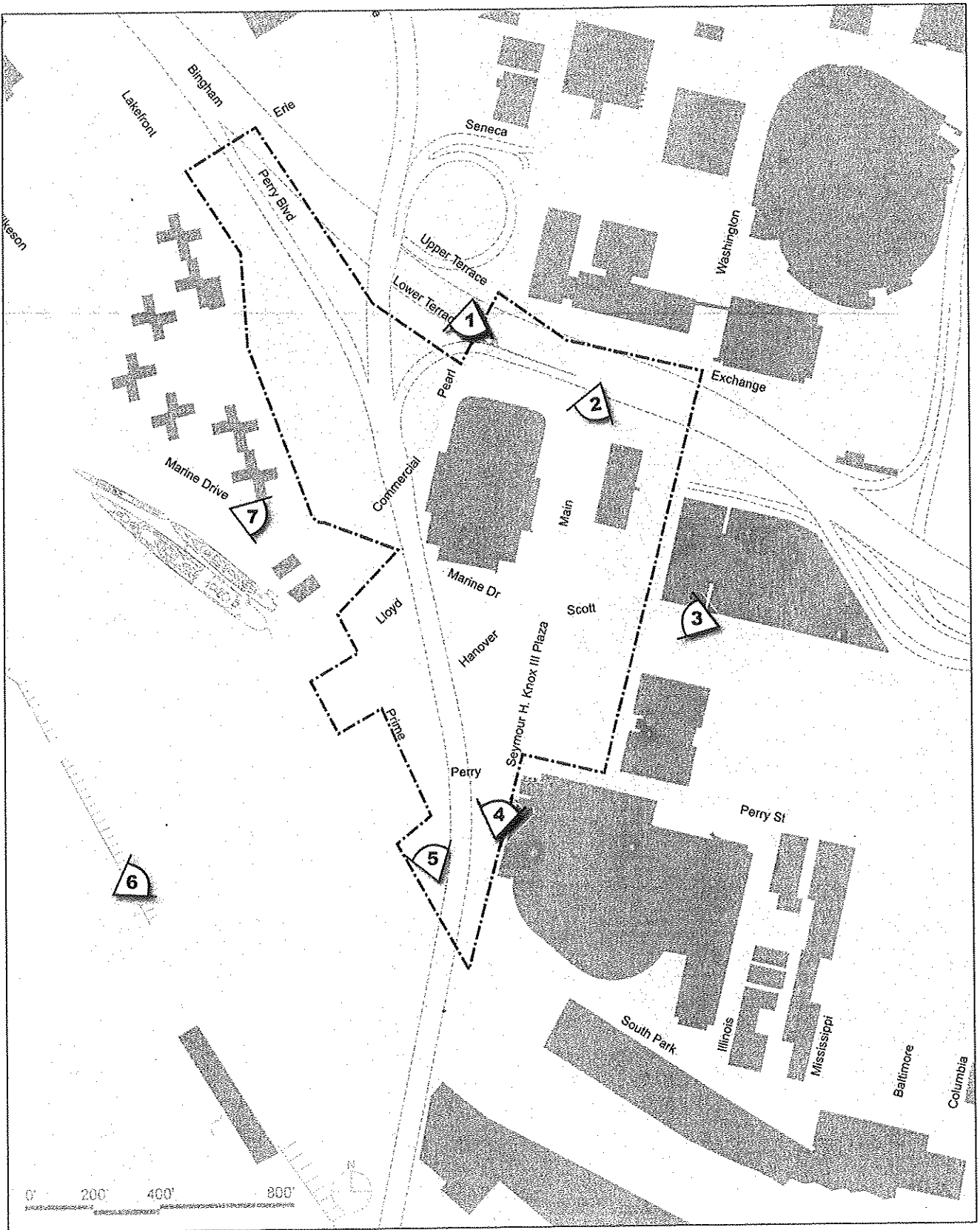
The structures must be designed to be easily demolished or removed without leaving a permanent impact on the site. The appearance of temporary commercial structures should be playful and artistic and the primary building material shall be metal or wood.

MGPP Exhibit D – Conceptual Layout of Public Canal System

Exhibit D- Conceptual Layout of
Public Canal System

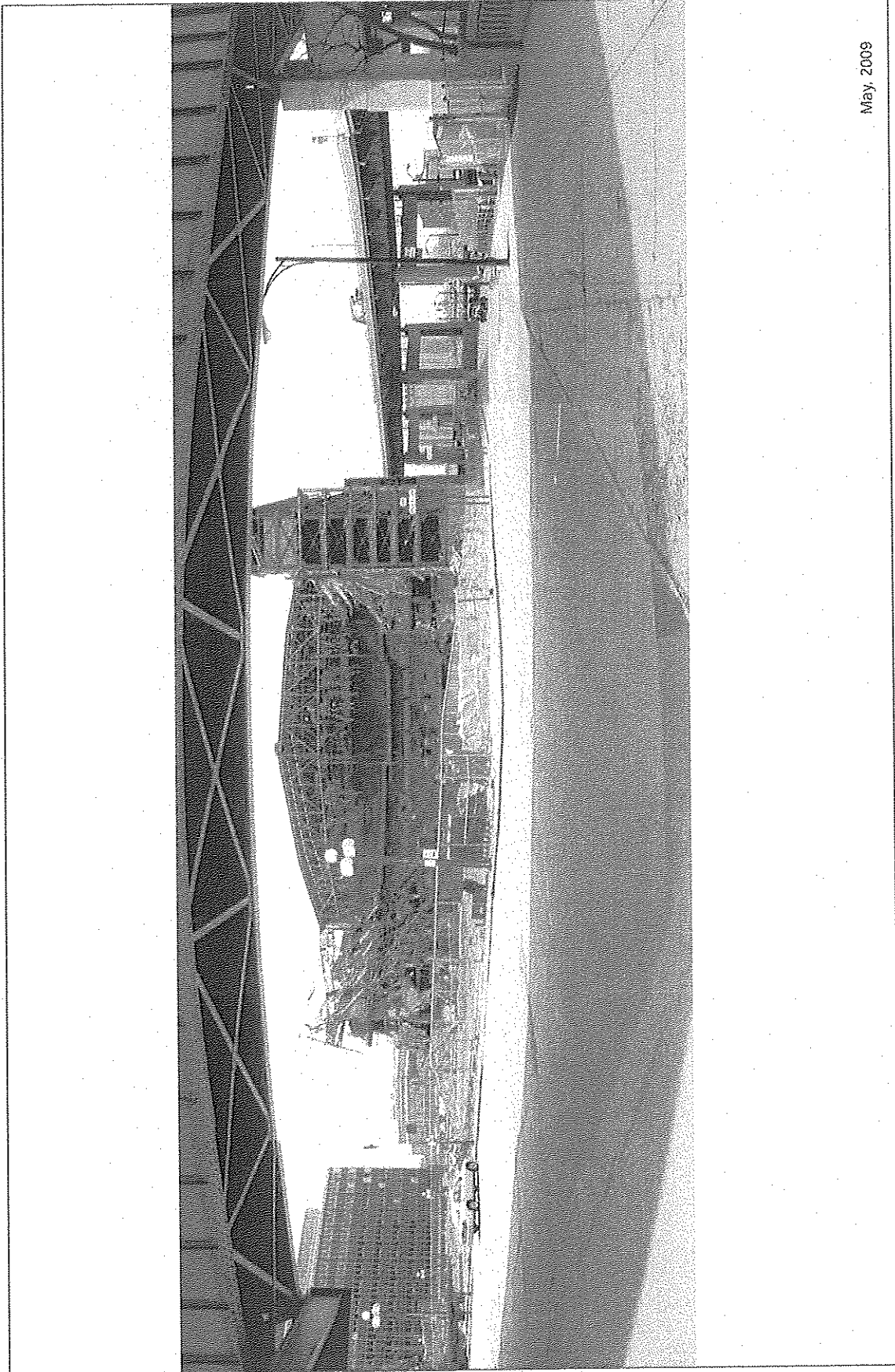


MGPP Exhibit E – Project Area Photographs



Canal Side Project
Buffalo, New York

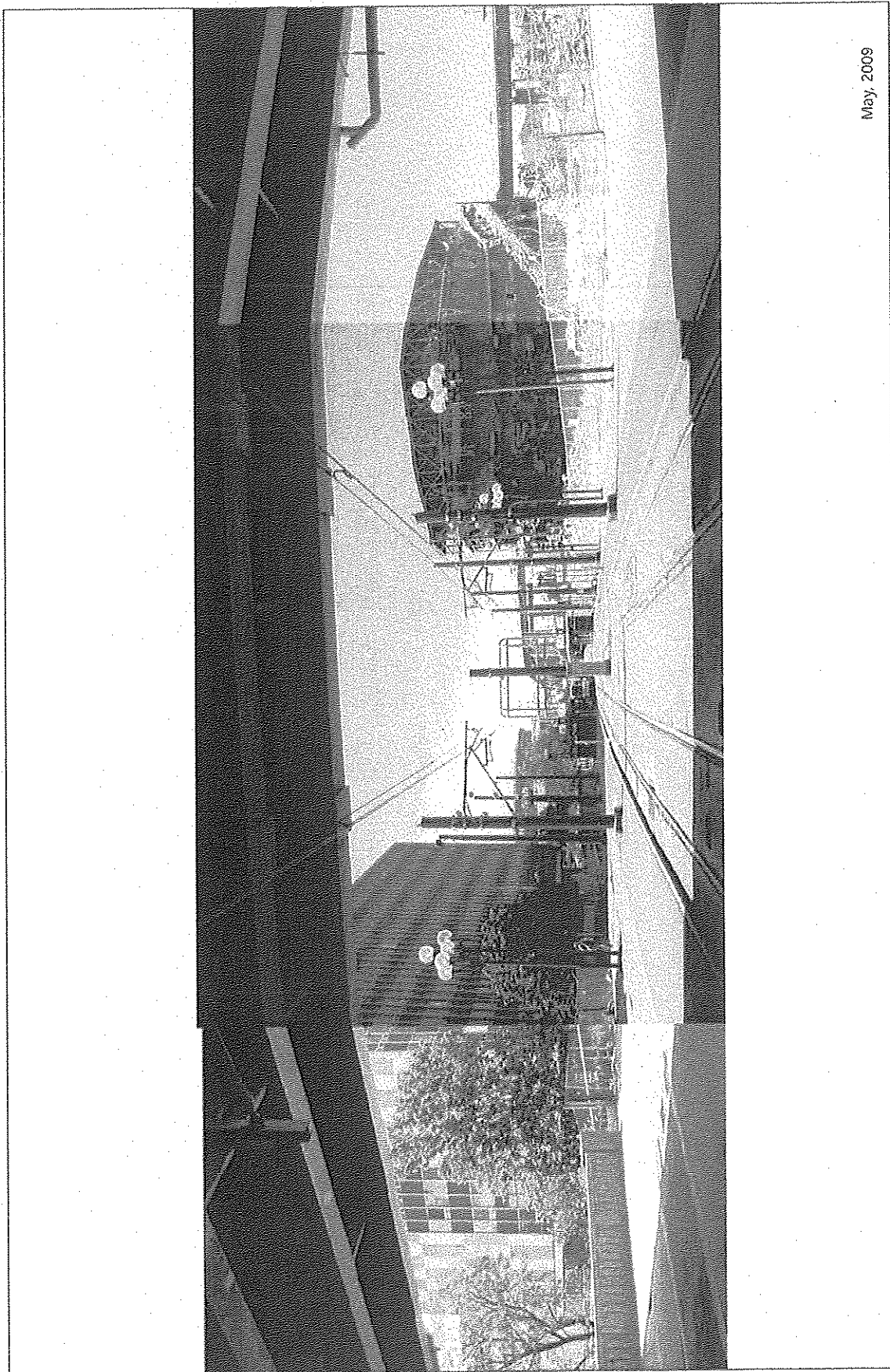
Figure 6.2-1
Locations of View Corridors



May, 2009

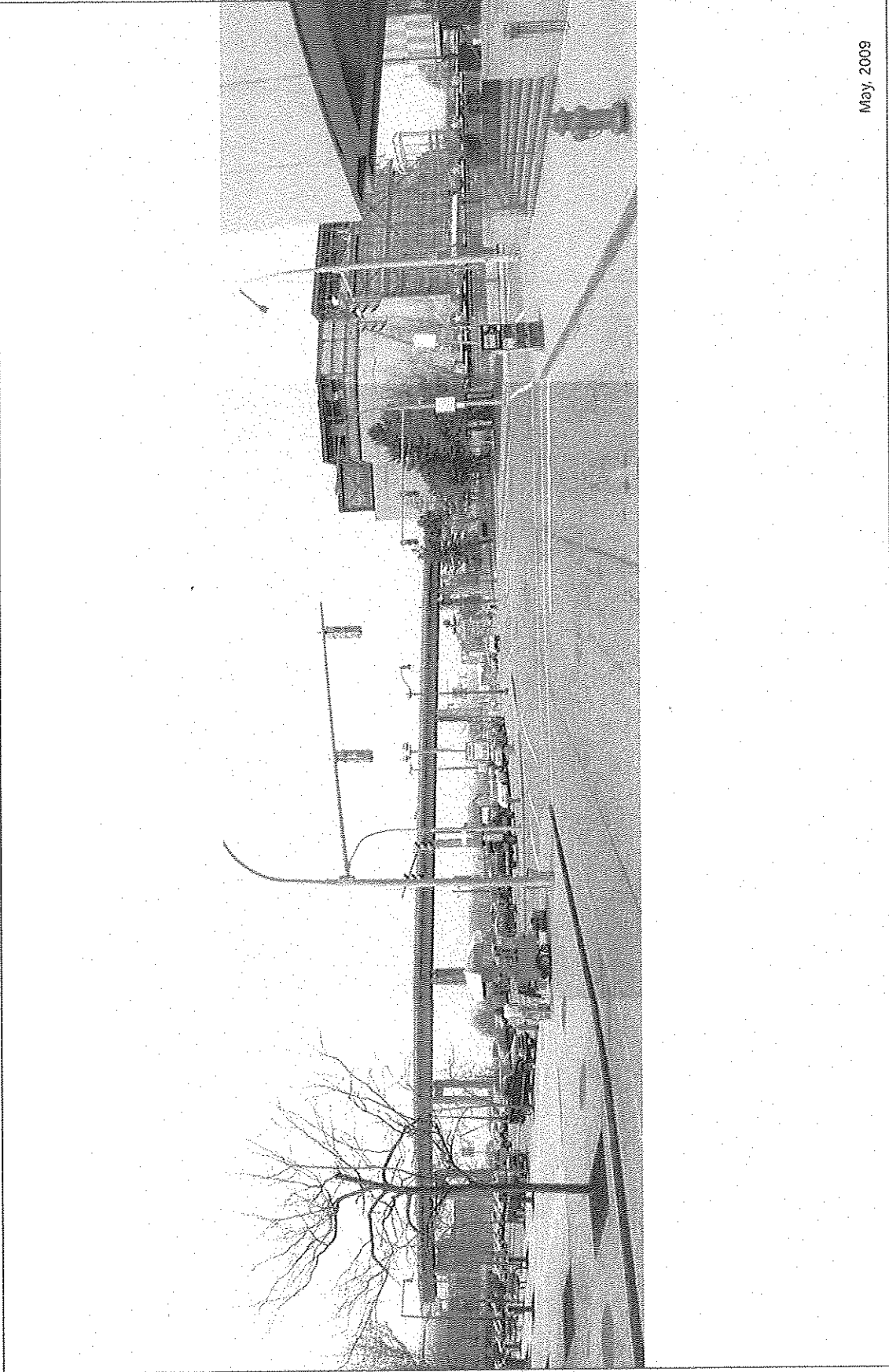
Figure 6.2-2
Pearl Street looking south from Lower Terrace

Canal Side Project
Buffalo, New York



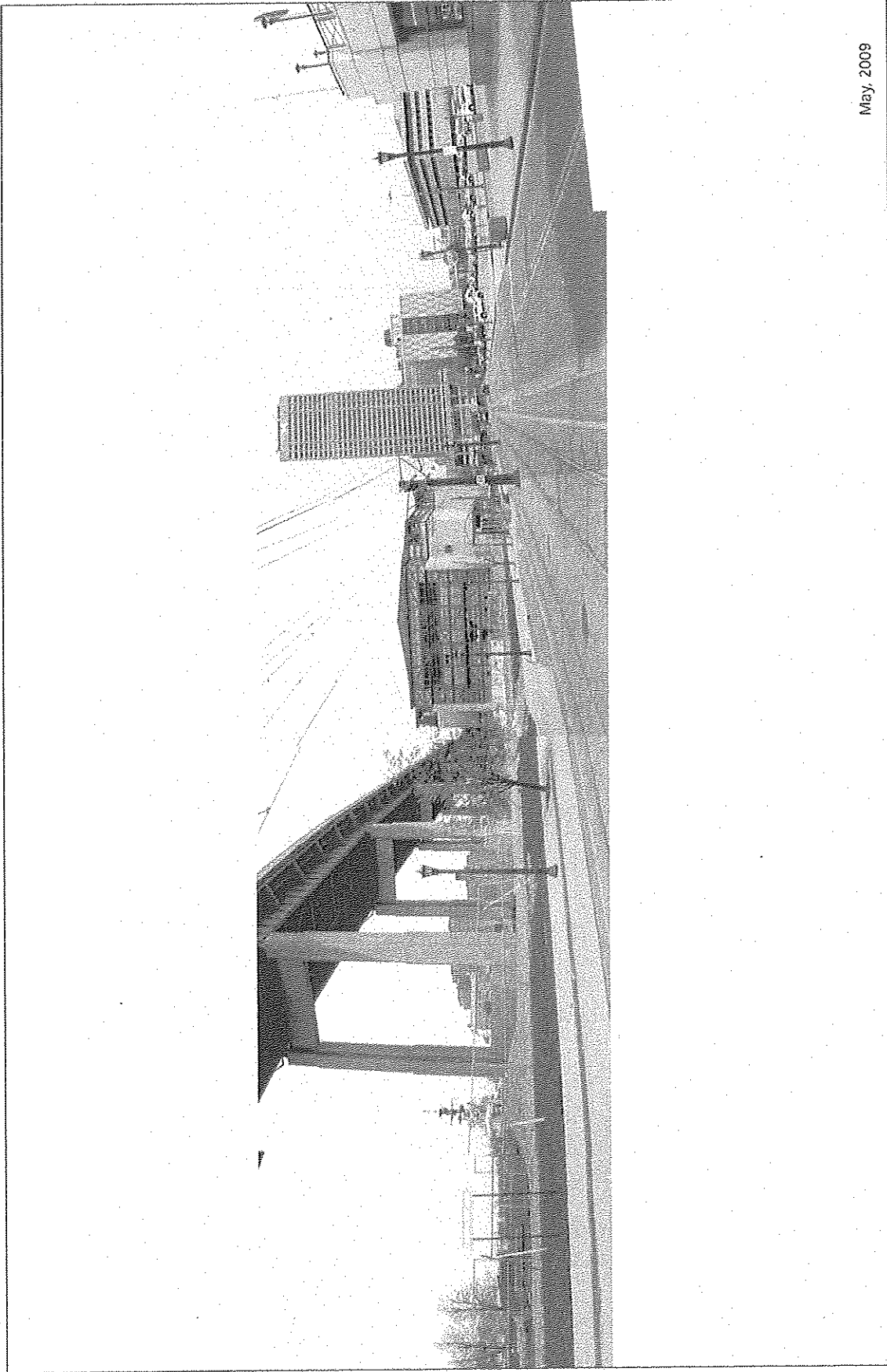
Canal Side Project
Buffalo, New York

Figure 6.2-3
Main Street looking south from south of Exchange Street



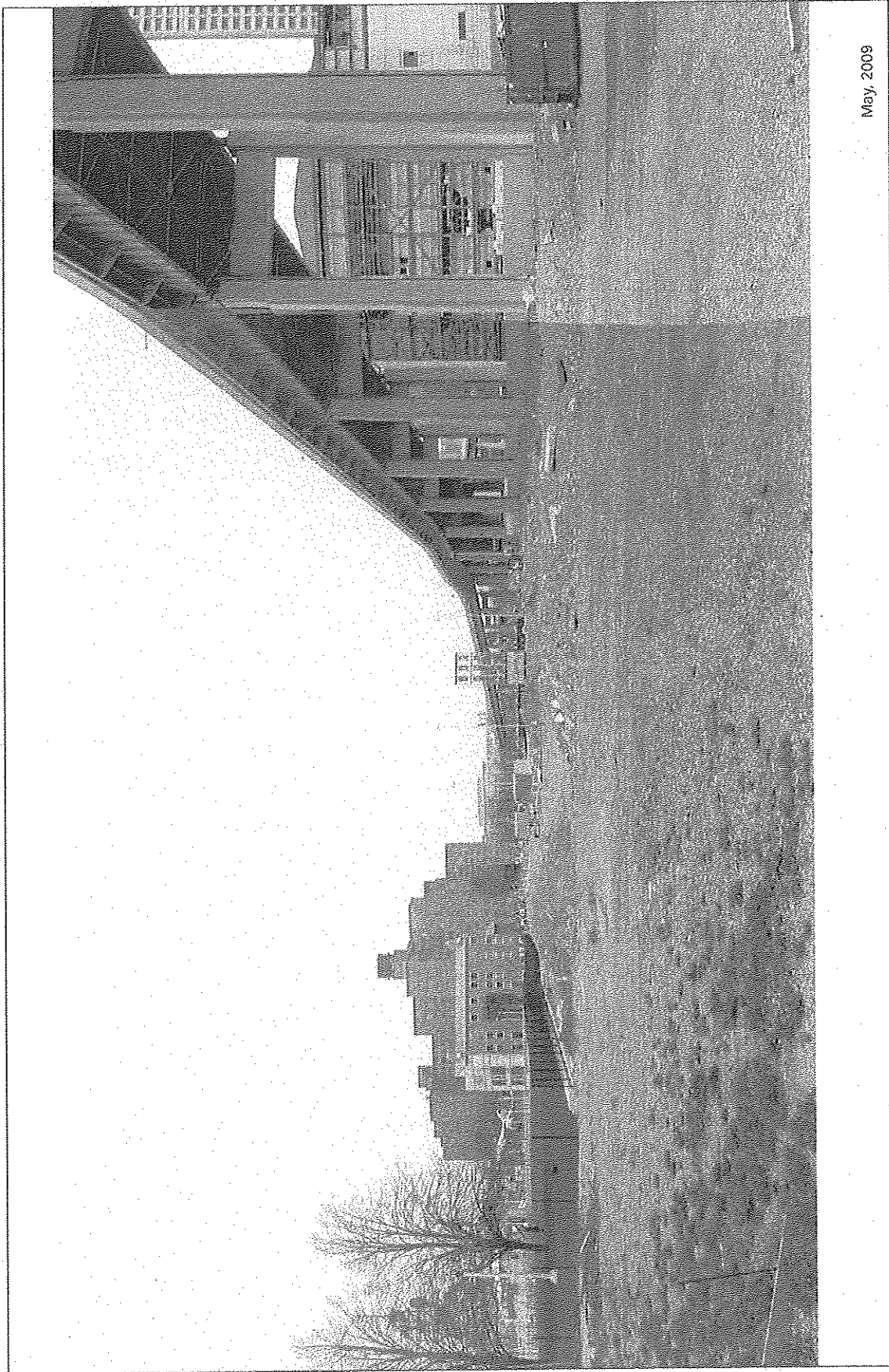
Canal Side Project
Buffalo, New York

Figure 6.2-4
Scoot Street looking west from Washington Street



Canal Side Project
Buffalo, New York

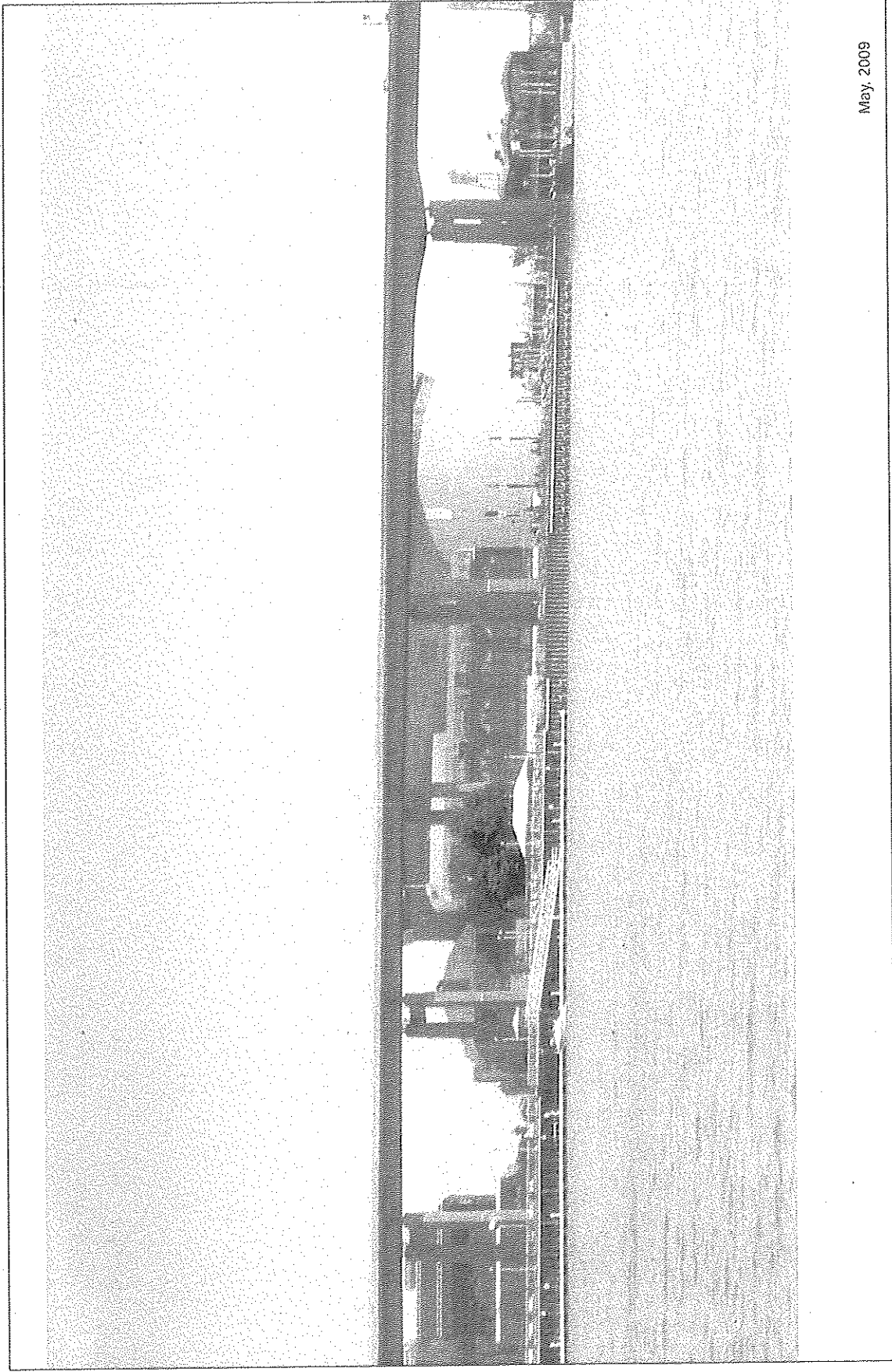
Figure 6.2-5
Main Street looking north from Perry Street



May, 2009

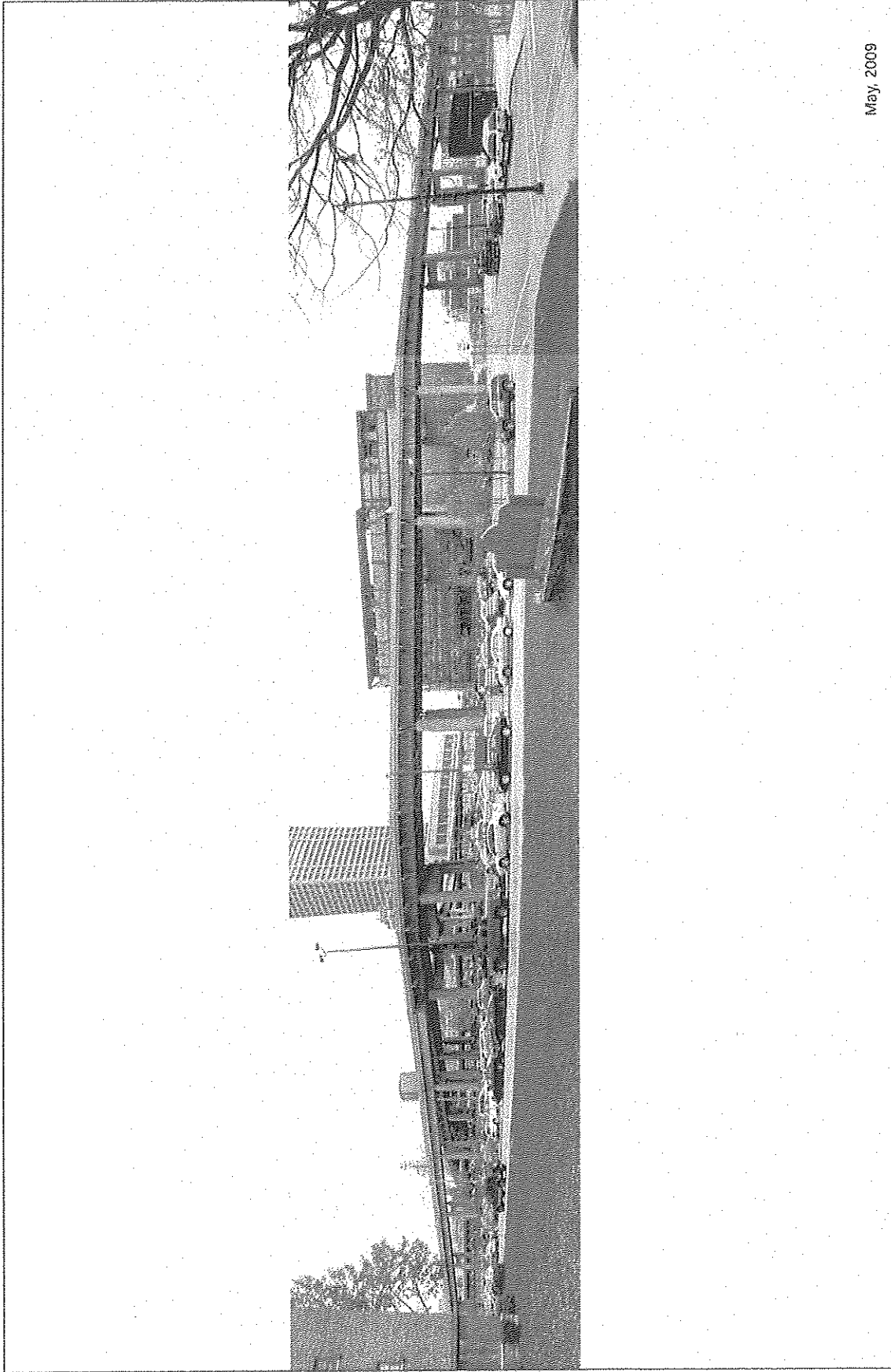
Canal Side Project
Buffalo, New York

Figure 6.2-6
Prime Street looking northwest from west of South Park Avenue



Canal Side Project
Buffalo, New York

Figure 6.2-7
Fuhrmann Boulevard looking northeast across the Buffalo River



Canal Side Project
Buffalo, New York

Figure 6.2-8
Marine Drive looking east from Marine Drive Apartments

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Information-Rescue, Rehab & Adaptive Reuse of Statler Towers

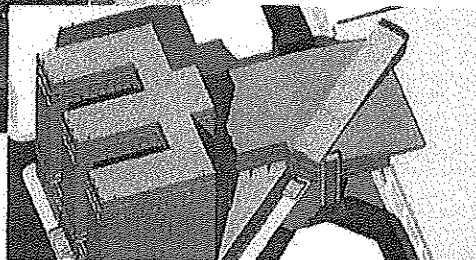
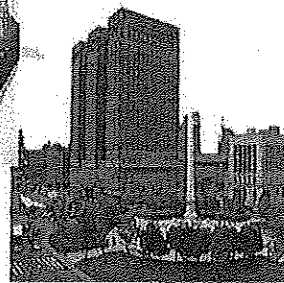
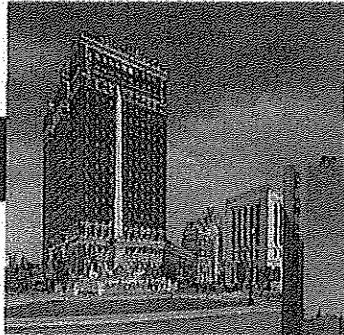
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REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

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A Case for the Rescue Rehabilitation and Adaptive Reuse of The Statler Towers, Buffalo New York



Statler City, LLC



The Knoer Group, PLLC

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in the City of Buffalo. Another development site at the margin will not assist in the overall economic revitalization of the City.

Far beyond the loss of civic pride would be the true direct economic loss to the City. To lose the Statler would be to lose the embedded historic value, a value that can be monetized in the form of historic tax credits and in marketing advantage. The approach to rescuing the Statler proposed by Statler City LLC is community centric, looking to the needs of not only the Statler, but the surrounding development community and the larger economic and civic interest of Buffalo.

The Statler sits as a vacant vertical development site. A rescued Statler has an advantage over cleared land. The embedded historic value of the Statler cannot be replicated and can be monetized. The cost to mothball the deteriorated structure and keep it from becoming more of a burden is \$5.23 Million dollars.(Attachment 4) The return on that investment would be a Statler with a secure exterior allowing for the fence to come down and the boarded up windows on the first floor to be removed. This alone is worth the investment.

As visitors leave the Convention Center, the first thing they see is the exterior of the Statler Building; right now a fenced and boarded up building symbolizing Buffalo's despair and deterioration. Instead, they could be welcomed by a revitalized and vibrant Statler as part of their convention experience. They could gather and dine in the Grand Ballroom, a space reflecting Buffalo's more glorious past and hopefully an indication of things to come.

On the opposite side of Delaware Avenue, the new United States Court House, one of the most significant investments in public infrastructure in Buffalo in recent times sits almost ready



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The Convention and Visitors Bureau has been hoping to expand the Convention Center for some time. Environmental studies in 2002 looking to create a new bigger and expanded Convention Center cited all of the reasons why. We now have an opportunity to use Government funds, not simply to save an old building but to provide for a vital and already acknowledged piece of needed public infrastructure in the process.

This concept of using historic structures to save and invigorate convention centers is not new to Buffalo. Other places around the country have tried it successfully.

There is no longer the opportunity to ask *whether* public money should be spent. That is a foregone conclusion. 800,000 square feet of Buffalo's past sits in the hands of a Bankruptcy Trustee who has acknowledged that the building has less value than benefit. The City of Buffalo is not in a position fiscally to take title to this property and therefore it will likely fall into the cracks of legal limbo: owned by an LLC whose sole member now resides in Dubai. Once in that abyss, the fences will remain, the façade will be blockaded, and the deteriorating scar on the City's landscape will spread. Future conventioners will be greeted with nothing but Buffalo's blight. The question that the City, County, State and Federal Officials must ask themselves is *how* our money is best spent: in renovation or demolition?

To those who say that the building should come down, the questions should be: How much would that cost? Where will the money come from? And what do we get for that "investment"?

Now is the time. This is the plan. You have to ask yourself: 10 years from now, how do you want to remember your actions on this day, on this issue?



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Photo by Martin Wachadlo

I. The Site

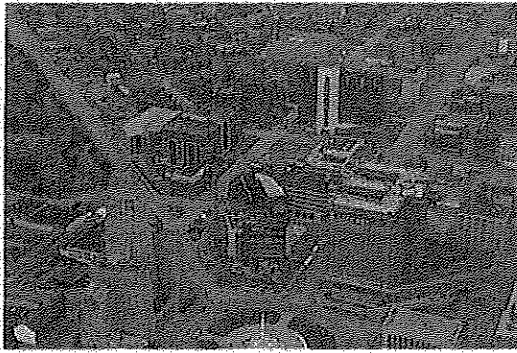
107 Delaware Avenue: The Statler Towers. The 800,000 square foot Statler Hotel was built as a second generation Statler in Buffalo New York in 1923. The Statler property was incorporated into the Hilton chain as part of "the biggest land transfer since the Louisiana purchase". The property was run as a convention hotel until 1984 when it was converted to an office building. The first floor and mezzanine area of the convention center, including the iconic Grand Ballroom remain essentially the same. Several upper floors were abandoned in place as



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In close proximity is the newly built Federal Office Building, the renovated Federal Reserve Building now housing New Era Cap Company's world headquarters, the *Avant*, a mixed use office/hotel/condo project, the result of a state supported \$85 Million renovation of an old federal office building. The Hampton Inn, built and opened in 2001 completes the block. This area of the City, outside of the medical campus, represents by far the most investment in Buffalo in the last decade.

II. The Problem

The deteriorating Statler sits directly across Delaware Avenue in stark contrast to the new \$147 Million federal courthouse. The Statler Towers is vacant and in danger of being abandoned into legal limbo. The abandoned building is barricaded behind a perimeter fence to protect the public from falling terra cotta. The boarded up building is the first impression visitors have of the City of Buffalo as they leave the newly renovated Buffalo Convention Center.



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the area proposed to be renovated (Attachment 8). That does not include the very significant asbestos in the basement and on the second floor utility level which would have to be abated prior to any demolition taking place. If developed over time, the asbestos could be safely encapsulated pursuant to all state and federal rules and regulations reducing a significant cost.

It is not believed that the building could be imploded safely because of its sheer size. This is especially true considering the new glass framed Federal Court House directly across Delaware Avenue. A significantly more expensive demolition method would be required. Estimates have been made as high as \$15-17 Million dollars just for a demolition that would create another vacant site in downtown Buffalo. Demolition is an acknowledgement of defeat and not a solution.

III. Plan for Redevelopment

Statler City, LLC was formed as a New York State Limited Liability Company to explore taking title and undertaking the rescue rehabilitation and adaptive reuse of the Statler Towers..

As a last attempt to keep yet another important piece of Buffalo from slipping away, Statler City LLC contracted with the bankruptcy trustee to undertake due diligence and purchase the Statler Towers to keep it from being abandoned. Preservation Buffalo Niagara (PBN) has engaged with Statler City, LLC to seek a practical solution that may save the historic structure in an economically viable way. The National Trust for Historic Preservation (NTHP) has taken a direct interest in seeing the Statler rehabilitated. The PBN and NTHP have expressed a



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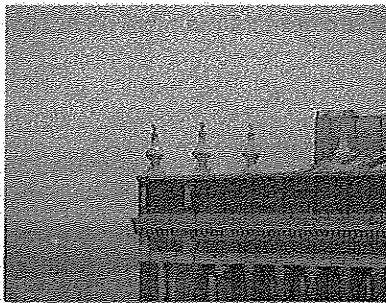
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1. *Secure The Exterior To Prevent Further Deterioration and Allow For The Removal Of The Fence And Boarded Up Façade.*

R&P Oakhill Development, LLC has extensive experience with the Statler over the last decade. They have prepared an estimate of emergency and preliminary needs at the building (attachment 4). The resolution of the following specific problem areas is critical to Statler City, LLC's decision to proceed:

a. Exterior Public Safety Issues

i. *Roof Finials*



The roof finials weigh several thousands pounds which need to be inspected and if necessary, secured back off the roof edges.



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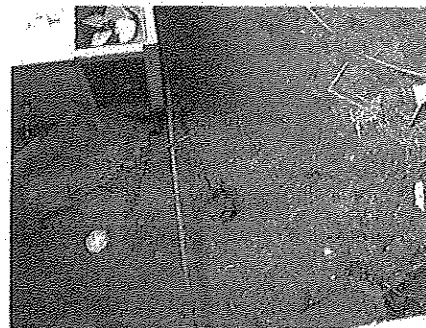
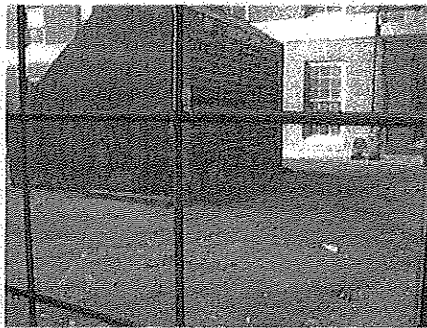
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Delaware Avenue across from the new Federal Courthouse. The Niagara Square side would be secured next and then finally the Franklin Street and Mohawk Street sides. The swing arm system may have an impact on roof integrity requiring certain roof repairs and would need to be done on an expedited basis.

iii. Roofs

There are four roofs on the building: two between the towers facing Delaware, the bump out on the Franklin Street side, and the upper roof.



The upper roof is in decent condition but may need some repairs following the swing arm operation to address the terra cotta and finial issues.

The impact of the deterioration of the lower roofs is seen upon entering the Mezzanine. Large chunks of the ceiling continue to deteriorate on an ongoing basis. Additional deterioration has occurred even during the 60 day due diligence period in those areas.



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v. *Lower Bump Out Parapet*

A parapet was constructed on top of a terra cotta base along the bump out section of the building bordering Genesee, Franklin and West Huron. The parapet needs to be removed and reengineered. There is a particularly dangerous area along the West Mohawk side but the remainder would also need to be addressed. A more detailed and directed engineering study is needed to decide exactly what needs to be done with that portion of the building.

2. *Right Size the Utilities*



The building is served with a significant electrical supply that would not need to be increased as part of the utility right sizing. However the utilities would have to be separated such that the lower levels could be more efficiently heated and cooled. Plumbing and electrical systems would need to be rerouted and reconfigured along with the HVAC systems in order to



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3. *Revitalize The First Floor And Mezzanine Area Into Mixed Use Space*

The Statler first floor and mezzanine area was recognized as an extraordinary public space when the building was in operation



That space could be quickly returned to unique and desirable commercial use.

a. Retail

Several types of small retail would be appropriate to bring some life back to the building while also creating cash flow to pay the expenses; coffee shops, banks, a deli, a jewelry store. The street level space is a prime location on Delaware Niagara Square and across from the Convention Center.



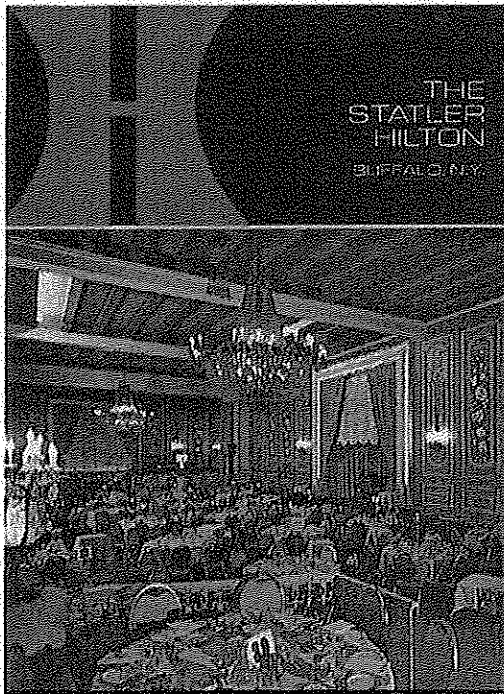
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4. Convention Center Connection

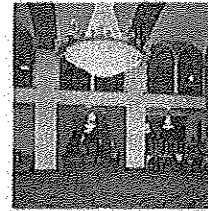
The Buffalo Statler Hilton was established as a Convention Center hotel. Marketing brochures layout the exhibit space, meeting and break out rooms, etc.



WELCOME TO THE STATLER HILTON

The Statler Hilton has always considered the meetings of both the large and small convention groups an important part of its operation. The staff is constantly being trained in the most possible efficient and pleasing methods of handling every service detail.

Special meetings of the General Manager and his department heads are held before all conventions. Association executives are urged to attend these meetings and every service detail for the needs of the group is discussed and carefully arranged.



Just as important as the desire to serve is the physical equipment — meeting and banquet rooms, exhibit space, guest rooms and dining areas. Our Hotel was designed for conventions and the following pages will give you a picture of the Statler Hilton in Buffalo — where you are assured a well conducted, pleasant, and successful meeting for your organization.

The Grand Ballroom and the Terrace Room served large gatherings for lunch space or additional breakout and exhibit space.



Statler City, LLC



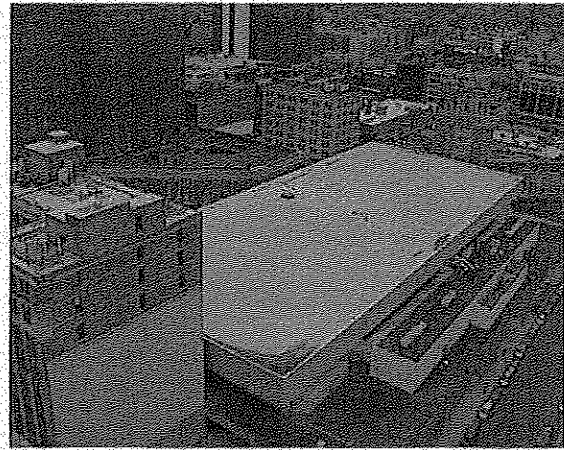
The Knoer Group, PLLC

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The current Buffalo Niagara Convention Center sits directly across Franklin Street from the Statler. This proximity actually weighed into the decision of where to locate the Convention Center when it was first planned.



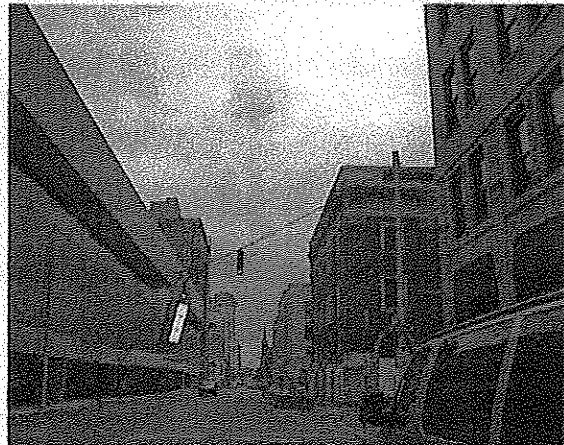
Northwest Aerial View



Northwest Aerial View (closer)



Looking North on Franklin



Looking South on Franklin



Statler City, LLC



The Knoer Group, PLLC

The current Convention Center sits directly across Franklin Street from the entrance to the Statler. Statler City, LLC proposes to connect the Convention Center to the Statler Towers. The Convention Center "connection" could be either a physical connection over the top of Franklin Street or an operational connection not requiring a physical connection. A simple roofing system or something to bridge the connection would allow conventioners to move easily back and forth even in inclement weather making use of the Statler's unique and grand ballroom spaces, exhibit spaces on the mezzanine level all which were originally meant to be used for convention purposes.

This solution for the Convention and Visitors Bureau problem is also a means to develop sufficient ongoing revenue to maintain the Statler building as an independent entity following initial rehabilitation. Although the Convention Center space itself would be public and not revenue generating to the Statler, the symbiotic relationship would fuel the need for hotel space within the Statler as well as bring foot traffic into the redeveloped retail space.



Statler City, LLC



The Knoer Group, PLLC

It would expand convention capacity by connecting the already available and unique space within the first two floors of the Statler to the Convention Center. This combination of newly created modern exhibit space and unique historic meeting space would give the Convention and Visitors Bureau a marketing advantage and the ability to target and attract larger and more economically beneficial conventions.



Additional hotel space can be brought on by the Avant, which has recently finalized plans to add an additional floor of hotel rooms. There is a potential for 156 hotel rooms on site at the Statler as well. This additional room capacity would allow the Convention Visitors Bureau to market the region as having both sufficient Convention space on site as well as the necessary hotel rooms in close proximity to meet the demands of the conventioners. This expansion could bring more out of town conventioners to the region for longer conventions. They would frequent Buffalo's Entertainment District and Theater District as well as the many local



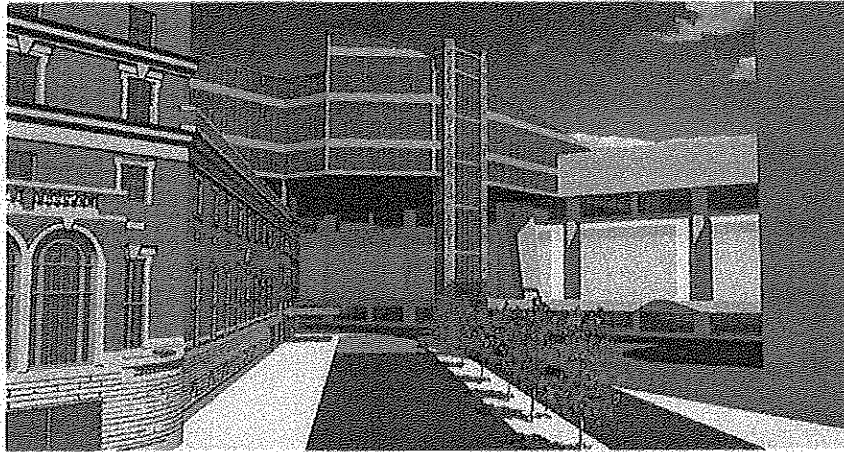
Statler City, LLC



The Knoer Group, PLLC

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This solution would provide a win-win allowing for a rapid expansion of the Convention Center into a very unique and nationally renowned space while also saving an iconic structure in the City Center.



5. *Allow For the Remaining Tower Space to Grow Organically*

A crucial element of Statler City, LLC's proposal is to allow the upper towers to return to productive reuse over time. Too often municipalities engage in the game of "office tenant shuffle" where a project draws tenants from an existing building while adding no new growth. This is a no-win scenario not worthy of government assistance. In order to avoid that phenomenon the proposal is to allow the remaining tower space to be revitalized as hotel space or longer term residential use as apartments or condominiums to the extent the current market could absorb additional housing units. The residential market is one of the growing sectors in building reuse in Buffalo. We already have significant public infrastructure in place to serve



Statler City, LLC



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CONCLUSION

Iconic architectural structures like the Statler Towers bring tourists to Buffalo on a regular basis. The National Trust for Historic Preservation's significant convention is to be held in Buffalo next year. Buffalo was chosen because of its ability to save these types of historic structures. We use them as tools to attract outsiders. This has increased tourism revenues.

The alternative to this plan for the Statler is to demolish the structure. Demolition is a non-solution. Demolition by neglect or by choice will be a far more expensive option than the proposed rescue rehabilitation. Demolition would lead to the loss of an historic structure including all of the embedded economic value of that structure in addition to the cultural value. There are some who have suggested that demolition is the prudent business choice. They have not, however, provided any basis for or shown the cost and resulting value of such a proposal. How do you factor in the loss of embedded historic value? A value that can quite literally be monetized in the form of historic tax credits and a unique marketing advantage? Where is the long term community benefit in yet another vacant site in Buffalo? One need only look out the upper floor windows of the Statler to count many such sites already sitting idle.

It is a prudent investment to spend \$5.3 Million dollars now to rescue rehabilitate the Statler Towers and give it an opportunity to flourish once again as a hub in our inner City. It is an investment much more practical and beneficial than investing three times that amount in demolition resulting in nothing more than another gaping hole in the City Center.



Statler City, LLC



The Knoer Group, PLLC

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December 21, 2010

NEW COURTHOUSE ADDRESS
2 NIAGARA SQUARE

MARK JASKULA
SR LEGISLATIVE ASST
BUFFALO COMMON COUNCIL
65 NIAGARA SQUARE RM 1413
BUFFALO NY 14202-3318

Dear Mr. Jaskula:

This is in reply to your inquiry to Buffalo postmaster John J. Phelan regarding Judge William Skretny's request to the Council to assign a mailing address for the new Federal Courthouse (#43 C.C.P. Dec. 14, 2010).

Our Manager of Address Systems, Doug Hlavaty, has spoken to Judge Skretny about the judge's mail security concerns. Consequently, he recommends that the Common Council approve the following number and street address as the official mailing address for the new Federal Courthouse:

**2 Niagara Square
Buffalo NY 14202-3350**

If you have any further questions or concerns, please let me know.

Sincerely,

Victor C. Laudisio
Customer Relations Coordinator

cc: J. Phelan, Postmaster
D. Hlavaty, Mgr. AMS

1200 WILLIAM ST
BUFFALO NY 14240-9203
716-846-2536
FAX: 716-846-2407

RECEIVED AND FILED

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Councilmember Kearns

From: Weyant, Erich [EWeyant@empire.state.ny.us]
Sent: Tuesday, December 14, 2010 11:08 AM
INSPECTION

Erie Canal Harbor Development Corp.

FOR IMMEDIATE RELEASE: December 14, 2010

CONTACT:

Erich Weyant (ECHDC)
eweyant@empire.state.ny.us | 716.846.8258

ECHDC TO BEGIN GRAIN ELEVATOR INSPECTION

Goal will be to determine how it affects Main Street Bridge alternatives

Approved as part of a larger Buffalo Harbor Bridge work package in December by the Erie Canal Harbor Development Corporation, today marks the start of a nearly two-week structural inspection of the Connecting Terminal Elevator on the outer harbor. The \$90,000 inspection program will allow ECHDC to determine the condition of the elevator and how it affects the Main Street bridge alternatives currently being studied.

Still in the environmental review phase, both Main Street and Erie Street remain feasible alternatives. While no determination has been made regarding the bridge's final location, several sub-alternatives for each location are being studied further. Sub-alternatives for the Main Street location include building the bridge around the grain elevator, through a portion of the elevator, or removing the elevator. The "through" sub-alternative would involve the restoration of the remaining sections and missing pieces of the elevator.

"Our first option, because of historic resource concerns, is to go around the elevator but that involves investing a significant amount into public infrastructure and leaving a deteriorating, possibly unsafe, grain elevator sitting next to it," said ECHDC President Tom Dee.

ECHDC began designing a Main Street alternative that avoided the grain elevator to the north. However, after speaking with several stakeholders groups, there was concern that a bridge in this location would negatively impact the view of the grain elevator from the inner harbor – where most people can see it. A second avoidance alternative, which located the bridge south of the grain elevator, was then developed. While the view is less impacted, the constructing the bridge over the City Ship Canal increased costs considerably and impacts a greater portion of available land.

"Avoiding the grain elevator creates its own set of impacts. It's more costly to build the bridge around it, it eats up more prime waterfront land, and we don't even know if it's safe to leave it in place," said project manager Steven Ranalli. "It's a unique structure and it will require a unique solution to deal with it properly."

ECHDC presented the various Main Street sub-alternatives to the preservation community during the scoping process earlier this year. Lorrain Pierro, President of the Industrial Heritage Committee, feels the "through" option could provide a "gateway entrance that would spotlight the grain elevators and the City, and connect the Erie Canal with the Industrial Heritage Trail along the Outer Harbor Parkway," Preservation Buffalo Niagara and the Campaign for Greater Buffalo have also been briefed on the Main Street alternatives. The New York

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State Historic Preservation Office has also seen the early concepts and is awaiting the full study before making any determination.

The Connecting Terminal Elevator, built in two sections during the first half of the 20th century, has been idle since the late 1960s. While a hotel rehabilitation scheme in the 1980s and Great Lakes Center in the 1990s were proposed, neither project materialized. The Central Terminal Elevator has since lost major elements, including the marine towers, the headhouse and a majority of the distributing floor due to neglect and weather.

As no plans exist for the 1915 section of the elevator, and with very few plans left in existence for the 1954 addition, the inspection will document several key features, including the foundation, bin wall thickness and dimensions, materials, and concrete strength. The inspection will also document the current structural condition and areas of distress. The results of this inspection will be used to determine what Main Street alternatives are feasible and what the costs associated with each alternative will be. The information will be included in the draft environmental impact statement expected in 2011.

For more information, please visit the project website: www.buffaloharborbridge.com

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Erich Weyant

Assistant Director, Communications
Erie Canal Harbor Development Corp.

95 Perry St., Suite 500

Buffalo, NY 14203

716.846.8258

716.846.8262 fax

eweyant@empire.state.ny.us

www.eriecanalharbor.com

Visit our new website at www.esd.ny.gov

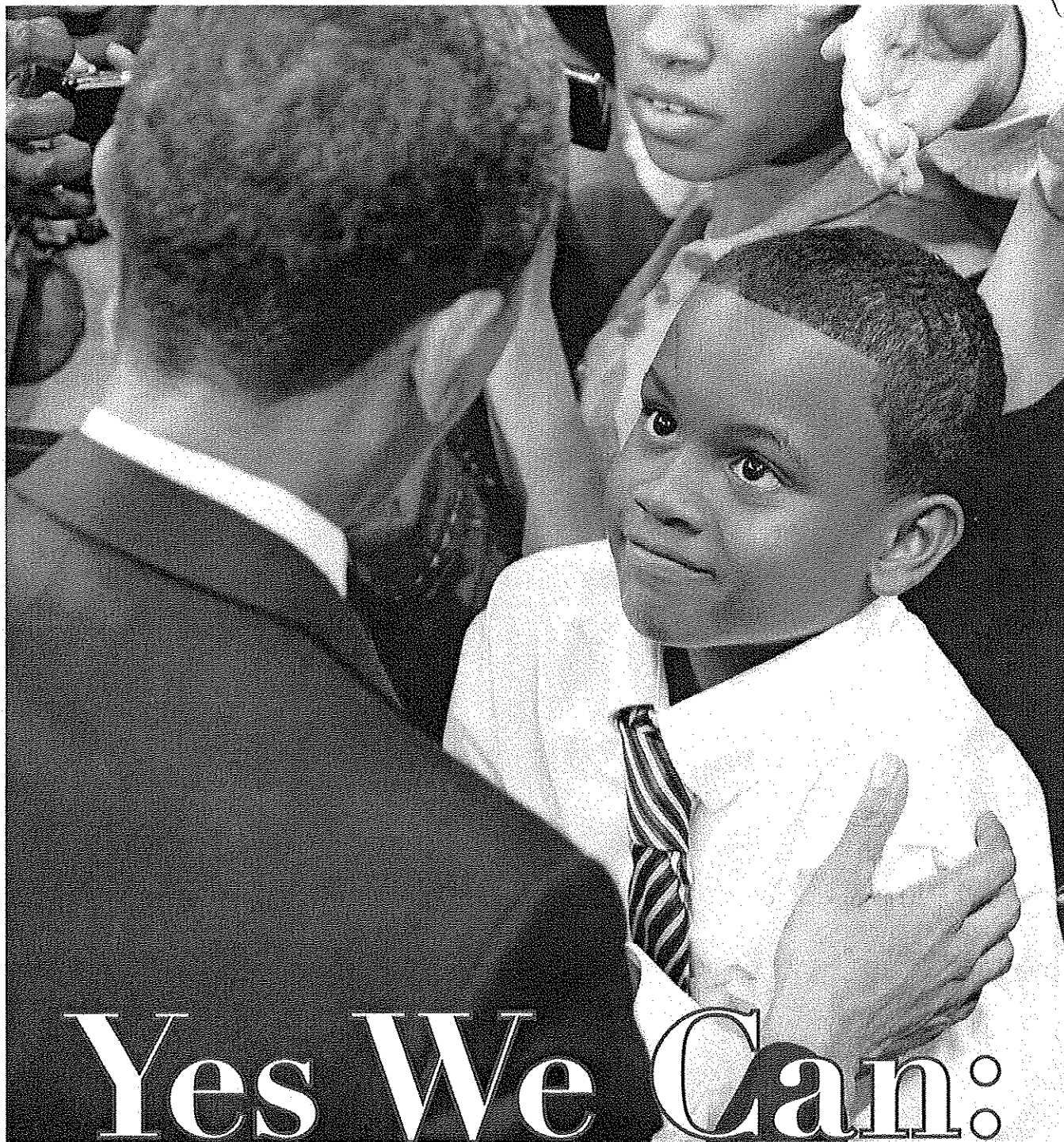
IMPORTANT: This e-mail message and any attachments contain information intended for the exclusive use of the individual(s) or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please immediately notify the sender by electronic mail or notify the System Administrator by telephone (518)292-5180 or e-mail (administrator@empire.state.ny.us) and delete the message. Thank you.

REFERRED TO THE SPECIAL COMMITTEE
ON WATERFRONT DEVELOPMENT

Mr. Smith

00033

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Yes We Can:

*** The Schott 50 State Report
on Public Education and Black Males

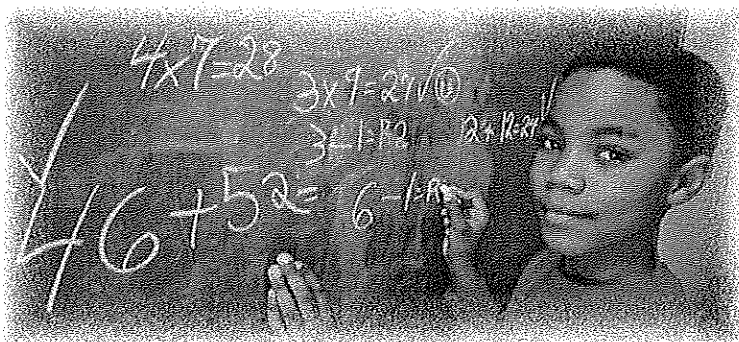
2010

Schott | FOUNDATION for PUBLIC EDUCATION

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Yes We Can

Public Education and Black Males



Yes We Can: The 2010 Schott 50 State Report on Black Males in Public Education, reveals that there are indeed communities, school districts and even states doing relatively well in their efforts to systemically enhance the opportunity to learn and raise the achievement levels for Black male students.¹ However, *Yes We Can* also highlights that the overwhelming majority of U.S. school

districts and states are failing to make targeted investments to provide the core resources necessary to extend what works for Black male students. Thus, in the majority of U.S. states, districts, communities and schools, the conditions necessary for Black males to systemically succeed in education do not exist. Unfortunately, today, data indicate that a Black male student who manages to achieve high school graduation speaks more for that individual's ability than for benefits he may have received from the system. In fact, that data indicates that most systems contribute to the conditions in which Black males have nearly as great a chance of being incarcerated as graduating.

Stacks of research reports have indicated for years that Black male students are not given the same opportunities to participate in classes offering enriched educational offerings. They are more frequently inappropriately removed from the general education classroom due to misclassifications by the Special Education policies and practices. They are punished more severely for the same infractions as their White peers. On average, more than twice as many White male students are given the extra resources of gifted and talented programs by their schools as Black male students. Advanced Placement classes enroll only token numbers of Black male students, despite The College Board urging that schools open these classes to all who may benefit. In districts with selective, college-preparatory high schools, it is not uncommon to find virtually no Black male students in those schools. Finally, the national percentage of Black male students enrolled at each stage of schooling declines from middle school through graduate degree programs.

Simply stated, the message in *Yes We Can* is that Black male students can achieve high outcomes—states, districts and communities can create the conditions in which all students have an opportunity to learn—the tragedy is, even against the historic backdrop of the U.S. having a Black male President, most states and districts in the U.S. choose not to do so.

¹ Black students are defined by the U. S. Department of Education as "students having origins in any of the black racial groups of Africa as reported by their school."

Yes We Can

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District	Total Black Male Enrollment	ESTIMATED 2007/8 GRADUATION RATE		Gap
		Black Male	White Male	
Dallas (TX)	22,570	39%	52%	13%
Caddo Parish (LA)	13,849	38%	57%	19%
St. Louis City (MO)	11,382	38%	47%	9%
Clayton County (GA)	19,792	37%	28%	-9%
Jefferson County (KY)	17,603	36%	43%	7%
Indianapolis (IN)	10,339	36%	26%	-10%
Hillsborough County (FL)	21,680	35%	60%	25%
Columbus (OH)	17,141	35%	44%	9%
Baltimore City (MD)	36,023	35%	38%	3%
Atlanta (GA)	20,737	34%	70%	36%
Orange County (CA)	24,176	33%	58%	25%
Cincinnati (OH)	12,459	33%	54%	21%
Rochester (NY)	10,921	33%	44%	11%
Clark County (NV)	22,575	32%	53%	21%
Norfolk (VA)	11,371	31%	47%	16%
Polk County (FL)	10,644	29%	50%	21%
Chatham County (GA)	11,197	29%	45%	16%
Richmond County (GA)	12,095	31%	36%	5%
Philadelphia (PA)	53,720	28%	33%	5%
Jefferson Parish (LA)	10,950	28%	44%	16%
New York City (NY)	167,277	28%	50%	22%
Dade County (FL)	46,536	27%	56%	29%
Cleveland (OH)	18,419	27%	30%	3%
Detroit (MI)	47,181	27%	19%	-8%
Buffalo (NY)	10,217	25%	55%	30%
Charleston County (SC)	10,875	24%	51%	27%
Duval County (FL)	27,749	23%	42%	19%
Palm Beach County (FL)	25,029	22%	50%	28%
Pinellas County (FL)	10,703	21%	50%	29%

Empire State Development**Western New York Regional Office**

December 21, 2010

Mr. Gerald Chwalinski
Buffalo City Clerk
1308 City Hall
Buffalo, NY 14202

CERTIFIED MAIL

RE: Richardson Olmsted Center Civic and Land Use Project Public Hearing

Dear Mr. Chwalinski:

I am hereby transmitting, in order to file in your office for public review, the General Project Plan of the New York State Urban Development Corporation ("UDC"), doing business as the Empire State Development Corporation (the "Corporation"), together with the findings required pursuant to Sections 16-m and 10(g) of the UDC Act, for the above-referenced project in Niagara County. The materials are being filed pursuant to Section 16(2) of the UDC Act.

A Public Hearing, also required by the UDC Act, will be held by the Corporation to consider the General Project Plan as follows:

Thursday, January 6, 2011 at 6:00 pm
Burchfield Penney Art Center
1300 Elmwood Avenue
Buffalo, NY

ESDC is a corporate governmental agency and public benefit corporation of the State of New York, created by the New York Urban Development Corporation Act of 1968, as amended. Therefore, pursuant to CPLR Section 8017, EDC is exempt from any fee which may be imposed in connection with your receipt of these materials.

Sincerely,
EMPIRE STATE DEVELOPMENT CORPORATION



Paul J. Tronolone
Senior Project Manager

Enclosure

RECEIVED AND FILED

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FOR CONSIDERATION

December 16, 2010

TO: The Directors

FROM: Dennis Mullen

SUBJECT: Buffalo (Erie County) –Richardson Olmsted Complex

REQUEST FOR: Land Use Improvement Project & Civic Project Findings; Adoption of a General Project Plan; Acceptance of a Draft Environmental Impact Statement; Authorization to Hold a Public Hearing; Authorization to Take Related Actions

Project Summary (Please see the attached General Project Plan for a more detailed description of the Project)

Developer: The Richardson Center Corporation (the "RCC"), a not for profit 501(c)(3) organization.

Project Site: The Project Site is generally bounded on the north by Rockwell Road, on the west by Rees Street, on the south by Forest Avenue, and on the east by Elmwood Avenue. A Map of the project site is attached to the General Project Plan.

Project Description: The development of an approximately 42 acre parcel into a mixed-use cultural, educational, recreational, and community project that will save the historic buildings and grounds from additional deterioration, vandalism and potential collapse and renovate for new uses.

Background

In 2004, New York State appropriated \$100 million dollars of capital funds for cultural and architectural projects in Buffalo including \$76.5 million for the Project. In 2006, the Richardson Center Corporation was formed as a New York State not-for-profit corporation with the mission of carrying out the state established public purposes: to renovate the landmark buildings and grounds by carrying out reuse activities that honor the history and architecture of the buildings and grounds, that are compatible with the operations of the Buffalo Psychiatric Center on adjoining land, and that establishes new uses that will provide sufficient revenues to operate the facilities and save the historic complex. To date, the ESDC Board of Directors has approved grants totaling \$19.94 million out of the \$76.5 million appropriated by the State for critical planning studies and stabilization.

Today, the Directors are being asked to approve the Richardson Olmsted General Project Plan, which sets forth, in detail, the proposed development of the historic complex. A copy of the General Project Plan is attached hereto.

The Project is anticipated to be completed in phases. The first phase will consist of leveraging the \$76.5 million of State funds to complete the Core Project with a total budget estimated to be in excess of \$105 million. The Core Project will include:

- Focus on reuse of three buildings, one third of the historic complex (188,000 sq. ft. of the total 480,000 sq. ft), and 42 acres of grounds. The mixed use campus will start with a core set of integrated uses - an Architecture Center to highlight the architecture of Buffalo and the region, a Buffalo Niagara Convention and Visitors Bureau Visitor Center or other comparable visitor's center, hotel and hospitality, conference center/event space - in the iconic towers administration building #45 and two flanking former wards #44 and #10. A new shared entrance to the complex will be constructed to address contemporary safety and building codes, provide vertical circulation, and accommodate large groups of visitors. The existing historic entry will remain as a functional entry.
- Building stabilization efforts beyond initial emergency repairs already authorized will be undertaken across the entire complex to prevent further deterioration and "mothball" the buildings not occupied in the first phases. This stabilization includes removing hazardous materials, repairing wooden floors, removing debris, providing water and electric services, patching loose plaster, repairing and repointing exterior masonry, repairing and replacing roofs, rebuilding masonry openings, and abating and cleaning.
- Improvements to the landscape and site circulation will create a more unified design through the incremental relocation of existing surface parking, reviving a landscape of Olmstedian character, removal of unnecessary roads and a site-wide vehicular and pedestrian circulation system. New circulation systems, utility services, lighting, service drives, walks, and plantings would prepare the infrastructure necessary to facilitate access. Parking will be addressed by employing a strategy of well landscaped, dispersed surface parking lots and parallel parking along drives.

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both houses of the Legislature and is expected to pass in the next session. The legislation is supported by OGS, OMH and DASNY.

UDC Act Section 10(g)

No residential or business relocation is required because no families, individuals, or business reside at the Project site.

Design and Construction

D&C staff will review and approve schematic and construction documents, review cost estimates and monitor the bid and contract award process for a construction manager, contractors and sub-contractors.

Cost Benefit Analysis

The Corporation has reviewed the potential economic and fiscal impacts expected as a result of the Project and the projected employment gains during construction and thereafter. Based on that analysis, Corporation staff believes that the State investment is both justified and merited. A summary of the cost benefit analysis is included within the General Project Plan.

Affirmative Action

ESDC's Non-Discrimination and Affirmative Action policies will apply. ESDC will encourage the participation of certified Minority/Women-owned Business Enterprise contractors and/or subcontractor participation goal during development of the Project and minority and female workforce participation during construction of the Project.

Project Findings

In accordance with the UDC Act, the Corporation is making Land Use Improvement and Civic Project Findings. Corporation staff has reviewed the required findings and determined that there is an adequate basis for the making the findings. The specific findings, and the basis for such findings, are set forth in the General Project Plan.

Requested Actions

The Directors are being requested to (i) accept the Draft Environmental Impact Statement (ii) adopt Land Use Improvement Project Findings and Civic Project Findings pursuant to Section 10 of the UDC Act; (iii) adopt the General Project Plan; and (iii) authorize a public hearing(s) as required under SEQRA, and Section 16 of the UDC Act, and (iv) take all related actions.

Attachments

Resolutions

General Project Plan – With Attachments

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and be it further

RESOLVED, that on the basis of the materials presented to this meeting relating to the Project, the Corporation hereby finds that there is No residential or business relocation is required because no families, individuals, or business reside at the Project site, thereby satisfying the requirements of Section 10(g) of the Act.

* * *

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December 16, 2010

Buffalo (Erie County) – Richardson Olmsted Complex Land Use Improvement Project and Civic Project - Acceptance of Draft Environmental Impact Statement

RESOLVED, that the Draft Generic Environmental Impact Statement ("DGEIS") for the Buffalo (Erie County) – Richardson Olmsted Complex Land Use Improvement Project and Civic Project (the "Project"), as presented to this meeting, a copy of which is hereby ordered filed with the records of the Corporation, is satisfactory with respect to its scope, content and adequacy for purposes of the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations of the New York State Department of Environmental Conservation, and is hereby accepted by the Corporation; and be it further

RESOLVED, that the Corporation is hereby authorized to publish, circulate and file the accepted DGEIS in the manner required under SEQRA and the implementing regulations of the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the Chairman and Chief Executive Officer or his designee(s) be, and each of them hereby is, authorized in the name of and on behalf of the Corporation to take such actions as may be considered necessary or appropriate to comply with the requirement of SEQRA, including, without limitation, the holding of a public hearing under SEQRA and other applicable law (which hearing may be held simultaneously with one or more hearings which may be held pursuant to other applicable law), the providing, filing or making available of copies of the DGEIS or the summary thereof, the fixing of a date for such hearing, the publication of a notice relating to the DGEIS and such hearing in accordance with SEQRA, the implementing regulations of the New York State Department of Environmental Conservation, other applicable law, and the procedures heretofore approved by the Corporation with respect to similar hearings, and the making of a report or reports to the Directors on such hearing and written comments received.

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General Project Plan
Richardson Olmsted Complex
Civic and Land Use Improvement Project

Adopted December 16, 2010

I. Introduction

The New York State Urban Development Corporation d/b/a the Empire State Development Corporation ("ESDC") is facilitating the administration of New York State funds for the Richardson Olmsted Complex (the "ROC") Civic and Land Use Improvement Project (the "Project") in the City of Buffalo, Erie County, New York.

The Project involves the rehabilitation, redevelopment and reuse of approximately 42 acres of vacant, substandard, and underutilized land and buildings that once comprised the Buffalo State Asylum for the Insane, which was designed by great American architect Henry Hobson Richardson ("Richardson") with the grounds designed by the nation's first landscape architect, Frederick Law Olmsted ("Olmsted"). Officially designated by the U.S. Secretary of the Interior as a National Historic Landmark, and listed on the State and National Registers of Historic Places ("S/NRHP"), the ROC ceased operation by the mid 1990s and has been declared surplus property by its current owner, the New York State Office of Mental Health ("OMH").

The applicant for the Project is the Richardson Center Corporation ("RCC"), a not for profit 501(c)(3) organization established in 2006 and tasked with leading the process to re-purpose the ROC. As the administrator of the designated State funds for the Project, ESDC is adopting this General Project Plan ("GPP") in accordance with the New York State Urban Development Corporation ("UDC") Act, which permits ESDC to undertake activities in furtherance of "Civic" projects in areas where there is a need for the educational, cultural, recreational, community, municipal, or public service facility and "Land Use Improvement" projects in substandard or blighted areas in need of redevelopment. The Project, which is an outgrowth of a Master Plan for reuse and rehabilitation of the ROC to create a multi-purpose, public/private campus for architectural, cultural, educational, recreational, and community activities, would include various actions in furtherance of both Civic and Land Use Improvement goals. Support for these findings is discussed herein.

II. Background

The ROC, or specifically the collection of 19th-century buildings and grounds comprising the former Buffalo State Asylum for the Insane (the "Historic Complex"), is a world-renowned architectural resource whose former use for the treatment of mental illness ceased more than 40 years ago. The Historic Complex is a remarkable achievement of Richardson and Olmsted, as well as Dr. Thomas Story Kirkbride, the innovative psychiatrist and father of the American Psychiatric Association. When built in the late 1800's, the Historic Complex was a

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\$19.9 million of the \$76.5 million appropriated by the State for critical planning studies and stabilization. They include:

A. 2007 Urban Land Institute Advisory Panel

The RCC invited the Urban Land Institute (ULI) to Buffalo in May 2007 to provide recommendations for reuse. After a week of touring the city and surrounding neighborhoods, intensive evaluation of the ROC site, and interviews with nearly 100 community stakeholders and regional experts, ULI made recommendations that included architecture, visitor and hotel conference centers, condominiums, and rehabilitation of the landscape. This visioning exercise was considered an initial starting point for possible reuses that led to more detailed analysis and refined master planning efforts undertaken by RCC.

B. Historic Structures Report

In July 2008, the professional consulting firm Goody Clancy submitted to the RCC the *Richardson Olmsted Complex Historic Structures Report, Buffalo, NY*. This document, which followed National Park Service guidelines, was issued to provide detailed documentary, graphic, and physical information about the historic Complex history and existing conditions. The recommendations and guidance provide the RCC with a framework for future renovation. The report indicates the buildings can be "saved" but suffer from the following blighted conditions:

- The 14 vacant historic buildings, in most instances, have been vacant and unattended for approximately 40 years.
- Significant areas of water infiltration, lack of heat and ventilation have caused profound damage.
- The structural conditions range from failing and in danger of collapse (or partially collapsed) to poor and in some instances structurally sound. The interior of all the structures is in poor condition, without heat, electrical or water service and with collapses of walls, floors and ceilings, including instances of asbestos laden plaster.
- No part of the structure could be occupied for any use without significant renovation and repair.

C. Cultural Landscape Report

In October 2008, the professional consulting firm Heritage Landscapes submitted to the RCC the *Richardson Olmsted Complex Cultural Landscape Report, Buffalo, NY*. This document was issued as the principal tool to document the history, significance and preservation treatment of the historic landscape designed in 1871 by Frederick Law Olmsted and Calvert Vaux. The recommendations and guidance in the Cultural Landscape Report provide the RCC with a framework for future rehabilitation of the ROC landscape and included the following findings:

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- Reenergizing electric and installing perimeter lighting;
 - Sealing roof leaks;
 - Providing shoring at areas of masonry collapse and weakness;
 - Addressing dead and dying trees;
 - Providing gutters and downspouts;
 - Selective re-grading of areas around the historic structures to drain water away from foundations;
 - Providing passive ventilation; and
 - Providing nightly security patrols and a temporary lighting system.

This GPP envisions that the RCC will be primarily responsible for the development of the Project. It is anticipated that the remaining State funds will be used by the RCC to further stabilize and reconstruct the structures and to reconstruct the grounds of the Project site in order to promote private investment and development on site.

III. Project Location

The Project is located on approximately 42 acres of vacant, substandard and underutilized land in the northwest portion of Buffalo, New York (see **Figure 1**). The historic complex is comprised of 480,000 square feet of the historic buildings within the 42 acres. The site is part of the 90 acres of land that is currently owned by the State of New York and comprised of the original Richardson-designed buildings and Olmsted-designed grounds and the newer Buffalo Psychiatric Center ("BPC"). The Project boundaries are within the 90 acre site, a city block generally bounded:

- On the north by Rockwell Road;
- On the west by Rees Street;
- On the south by Forest Avenue; and
- On the east by Elmwood Avenue.

The remaining 48 acres include approximately 40 acres used by OMH primarily for the BPC to carry out its mission of services to adults with mental illness, approximately 3 acres used by BSC as its maintenance facility, and 5 acres dedicated to the Burchfield Penney Art Center.

It is anticipated that at a later date, the RCC may seek to gain title to an additional 2.6-acre parcel of land along Rockwell Road, making the total Project site approximately 44.6 acres, in order to create a stronger visual connection to BSC on the northern side of site.

The Project Area is adjacent to the City of Buffalo's Museum district, BSC and near the vital Elmwood Village business district and seeks to capitalize on these synergies.

- 2016
- Focus on reuse of three buildings, one third of the historic complex (188,000 sq. ft. of the total 480,000 sq. ft), and 42 acres of grounds. The mixed-use campus will start with a core set of integrated uses - an Architecture Center to highlight the architecture of Buffalo and the region, a Buffalo Niagara Convention and Visitors Bureau Visitor Center or other comparable visitor's center, hotel and hospitality, conference center/event space- in the iconic towers administration building #45 and two former flanking wards #44 and #10. A new shared entrance to the complex will be constructed to address contemporary safety and building codes, provide vertical circulation, and accommodate large groups of visitors. The existing historic entry will remain as a functional entry.
 - Building stabilization efforts beyond initial emergency repairs already authorized will be undertaken across the entire complex to prevent further deterioration; to "mothball" the buildings not occupied in the first phases. This stabilization includes removing hazardous materials, repairing wooden floors, removing debris, providing water and electric services, patching loose plaster, repairing and repointing exterior masonry, repairing and replacing roofs, rebuilding masonry openings, and abating and cleaning.
 - Improvements to the landscape and site circulation will create a more unified design through the incremental relocation of existing surface parking, reviving a landscape of Olmstedian character, removal of unnecessary roads and a site-wide vehicular and pedestrian circulation system. New circulation systems, utility services, lighting, service drives, walks, and plantings would prepare the infrastructure necessary to facilitate access. Parking will be addressed by employing a strategy of well landscaped, dispersed surface parking lots and parallel parking along drives.

Three additional stages are identified in the Master Plan (i.e., "Expanded Core Project", "Full Reuse of all Historically Significant Structures", and "Development Landholding") (**Figures 3, 4 and 5**) and contain uses that will take place over a 20-year period depending on market conditions and as improvements to on-site capacity is developed. Proposed uses include: academic uses, residential focused on audiences such as artists, academic related, and seniors, and offices associated with arts and culture uses.

Potential new development at the north of the site will be strategically identified to attract uses that enhance, rather than detract from the historic complex and bring additional vitality to the surrounding landscape. Multiple development scenarios are possible in this area, and if developed, would be designed in manner that respects the character of the historic complex and preserves vast portions of the property for open parkland.

Additional improvements consistent with the Master Plan will take place on the remaining 48 acres in order to provide a contiguous and unified site and access for the new uses. At full build out the Project would be comprised of approximately 880,000 square feet of new and renovated building space.

Funding Uses	
Core Project	
Planning studies and pre construction activities – previously approved ¹	\$10,000,000
Emergency Stabilization site wide Phase I – previously approved ²	\$2,100,000
Emergency Stabilization site wide Phase II- previously approved ³	\$7,840,800
Mothball remaining buildings not used in the Core Project	\$5,900,000
Landscape Rehabilitation and Circulation	\$22,860,000
Stabilization & Preparation of Core Project to clean shell	\$24,360,000
Purchase of Architecture Center Exhibits	\$5,900,000
Construction of New Entry Addition	\$4,000,000
Parking relocation and relocation of BPC Maintenance Building	\$11,500,000
Private Development Historic Buildings – Core Project	\$11,000,000
Core Project Total	\$105,460,800
Additional Phases	
Prepare remaining buildings to a clean shell for a developer	\$65,000,000
Private Development Historic Buildings – remaining	\$35,600,000
Private Development New Buildings, incl. infrastructure and landscape	\$75,500,000
Additional Phases Total:	\$176,100,000
Total Project Cost:	\$281,560,800

Funding Sources	
Core Project	
New York State (SUB SUNY appropriation)	\$76,500,000
Federal and State Tax Credits	\$17,300,000
Private Development	\$11,660,800
Core Project Total	\$105,460,800
Additional Phases	
Private Development	\$105,600,000
Federal and State Tax Credits	\$62,700,000
Private Foundations	\$7,800,000
Additional Phases Total:	\$176,100,000
Total Funding Sources:	\$281,560,800

¹ Project No. U898 approved by ESDC Board on 12/18/2006

² Project No. V755 approved by ESDC Board on 8/30/2007

³ Project No. V755 approved by ESDC Board on 1/15/2009

(2) The Project consists of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purpose.

The Richardson Olmsted Complex, vacant and deteriorated, is an important historic and cultural resource and is in need of protection, repair, rehabilitation, and beneficial reuse. Saving the historic complex is a public service that will increase public access and education on the works of world-renowned master designers, and in doing so, further facilitate the growth of cultural tourism in Buffalo and the region.

(3) The Project will be leased to or owned by the state or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and adequate provision has been, or will be, made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of the Project.

The RCC, a 501(c)(3) not for profit corporation, will own the grounds and buildings and undertake the Project. The funds for construction are a combination of the public allocation, federal and state tax credits, private development and private foundations. Revenue for operating and maintenance will be secured through two potential sources of such income: lease income from the first phase of development and rental income from on-site conferences and events. At the development stage starting in 2011, the RCC anticipates that operating revenue from the identified sources will begin to accrue.

(4) The plans and specifications assure or will assure adequate light, air, sanitation and fire protection.

The plans and specifications assure or will assure adequate light, air, sanitation and fire protection. The construction of the Project will conform to the City of Buffalo building code and the International Building Code.

B. Land Use Improvement Project Findings

(1) The area in which the Project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest sound growth and development of the municipality.

The Project is located in a substandard or insanitary area. The Project site, comprised of the 480,000-square-foot Historic Complex and 42-acre landscape grounds, has been vacant for more than a decade and has experienced significant deterioration, which left unattended, will continue to act as a blighting influence on its adjoining neighborhoods. This would run contrary to sound growth and development policies set forth in the Comprehensive Plan for the City of Buffalo. The Project site is an important historic and cultural resource and is in need of protection, repair, rehabilitation, and beneficial reuse. The adjacent neighborhoods are economically deprived and substandard: there is an average housing vacancy rate of

209

The DGEIS also includes alternatives to the Project that were considered. ESDC staff has participated in Public Scoping for the DGEIS and have reviewed technical assessments included in the DGEIS document.

Once accepted by the Board of Directors of ESDC, ESDC will issue a combined Notice of Completion ("NOC") for the DGEIS and a public hearing notice for this GPP and undertake to file and circulate this GPP and DGEIS as required by statute. Circulation of the GPP and DGEIS affords an opportunity for the public and involved interested parties to review and comment on the proposed Project for a statutorily required minimum period of 30 days. All substantive comments received by ESDC will be addressed in the Final GEIS ("FGEIS"). No sooner than 10 days after the completion of the FGEIS, ESDC will, if necessary affirm the GPP, and issue SEQRA Findings on the Project.

Due to the building's NHL status and inclusion on the State and National Registers of Historic Places, ESDC will continue to ensure that consultation is conducted with the NYS Office of Parks, Recreation and Historic Preservation ("OPRHP") pursuant to the requirements of Section 14.09 of the State Historic Preservation Act. Given the importance of the Project site as a historic resource, OPRHP sits on the Board of Directors for the RCC.

X. Affirmative Action

ESDC's Non-Discrimination and Affirmative Action policies will apply. ESDC will encourage the participation of certified Minority/Women-owned Business Enterprise contractors and/or subcontractor participation goal during development of the Project and minority and female workforce participation during construction of the Project.

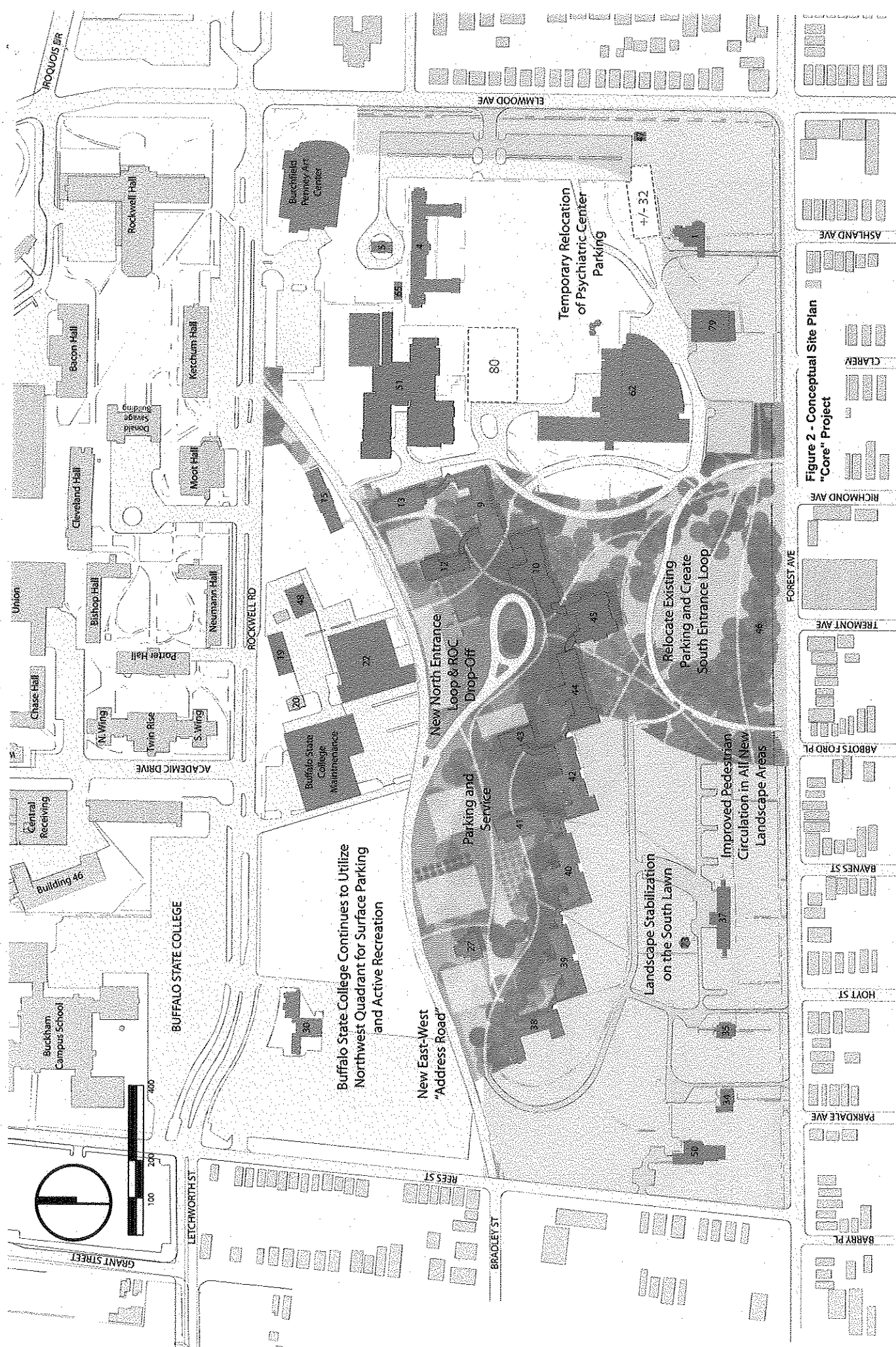
XI. Conclusion

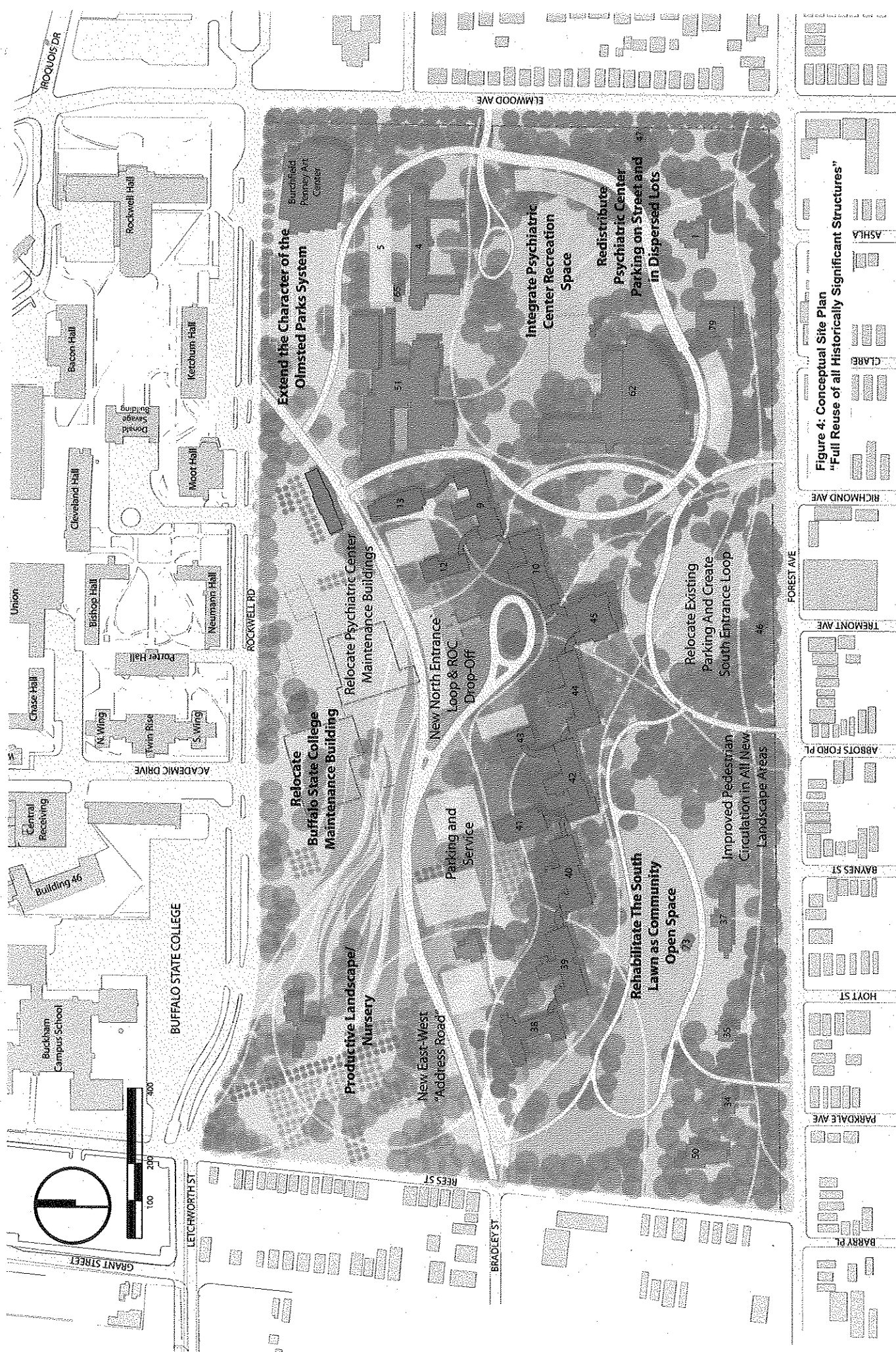
This Civic and Land Use Improvement Project will stabilize, renovate and reuse the ROC buildings and grounds. Through the implementation of the Project, the 42-acre mixed-use cultural, educational, recreational, and community Project will save the buildings and grounds from additional deterioration, vandalism and potential collapse and renovate it for new uses.

Exhibits

Site Location Map (Figure 1)

Site Plans (Figures 2,3,4,5)





2/2

PETITIONS

PROTECTION FROM
NATURAL GAS
EXTRACTION PETITION

00040

37

213

The undersigned electors of the City of Buffalo, New York, acting in our capacity as residents of this community with an inalienable right to local self-governance, hereby petition and direct the members of the Buffalo City Council, who are sworn to protect the health, safety and welfare of this community, to advertise and then adopt "Buffalo's Community Protection from Natural Gas Extraction Ordinance," which the People of the City have submitted to the members of their Council.

REFERRED TO THE COMMITTEE
ON LEGISLATION.

Signature of Elector	Printed Name of Elector	Residence	Date of Signing
<i>James D Lewis</i>	James D Lewis	Buffalo State College	10/14/2010
<i>James Wemesteller</i>	James Wemesteller	216 Lexington Ave, Buffalo	10/15/2010
<i>Christopher Dyson</i>	Christopher Dyson	83 Darris St, Bld	10/15/2010
<i>Brenna Ferdinand</i>	Brenna Ferdinand	Buffalo State College	10/15/2010
<i>Monica Pellmar</i>	Monica Pellmar	Buffalo NY 37th St	10/15/2010
<i>Carol Schwan</i>	CAROL SCHWAN	Bld NY 37th St	10/15/2010
<i>Thomas Stobovich</i>	THOMAS STOBOVICH	BUFFALO 38th St	10-15-10
<i>Cindy Feumoduck</i>	CINDY FEUMODUCK	BUFFALO NY 39th St	10-15-10
<i>Willie West</i>	WILLIE WEST	Buffalo 428 Willet	10-15-10
<i>George Sedor</i>	SEDDOR, GEORGE	BUFFALO NY 430 Willet	10/15/10
<i>Marcia Deitz</i>	MARCIA DEITZ	435 WILLET ST BLD	10/15/10
<i>Tom Wisniewski</i>	Tom Wisniewski	459 W. 11th St Buffalo	10/15/10
<i>Jacob Nauman</i>	Jacob Nauman	3205 Niagara Ave	10-15-10
<i>Tom V...</i>	Tom V...	581 Richmond Ave, Upper	10-15-10
<i>Matthew Gammie</i>	Matthew Gammie	567 Delaware Ave, Buffalo	10-15-10
<i>Ryan Harrey</i>	Ryan Harrey	80 Howell St Buffalo	10-15-10
<i>Kevan D Craig</i>	Kevan D Craig	75 College St. Buffalo NY 14201	10-15-10
<i>Victoria Piro</i>	Victoria Piro	370 Connecticut St Buffalo	10-15-10
<i>Jonathan Galt</i>	Jonathan Galt	216 Lexington Ave, Buffalo	10-14-10
<i>Priscilla Bowen</i>	PRISCILLA BOWEN	683 AUBURN BLD 14222	10-14-10
<i>Rebecca Ballard</i>	Rebecca Ballard	219 Auburn Bld 14213	10/19/10
<i>Timothy Olien</i>	Timothy Olien	272 Herkimer St. 14213	10.19.10
<i>Mark...</i>	Mark...	292 Markham St 14215	10.19.10
<i>Elaine P. Brantley</i>	Elaine P. Brantley	650 NY 14215	10.19.10
<i>Rebecca...</i>	Rebecca...	325 Niagara St.	10-2-10
<i>Timothy...</i>	Timothy...	14215	10-2-10
<i>Arch Inckes</i>	Arch Inckes	157 Folger St Buffalo NY 14220	10-28-10
<i>Cynthia Green</i>	Cynthia Green	319 W. Union Bld Buffalo NY 14220	10-28-10
<i>Michael A. Al Sprugh</i>	MICHAEL A. AL SPRUGH	20 ARUNDEL RD BUFF NY 14220	10/11/10
<i>Grace DeLano</i>	GRACE DELANO	807 Bird Ave 14209	11/13/10
<i>Richard Levy</i>	Richard Levy	74th Ave Buffalo NY 14221	11/13/10
<i>Elizabeth Smith</i>	Elizabeth Smith	43 Angelle Park Buffalo 14222	11/13/10
<i>LT Bl...</i>	LT Bl...	493 CARVIN AVE APT 4	11/13/10
<i>Kathryn Tyc...</i>	Kathryn Tyc...	528th St	11/13/10
<i>Kathryn Tyc...</i>	Kathryn Tyc...	141 Catherine Dr. Williamsville	11/13/10

PETITION

Buffalo, New York

214

The undersigned electors of the City of Buffalo, New York, acting in our capacity as residents of this community with an inalienable right to local self-governance, hereby petition and direct the members of the Buffalo City Council, who are sworn to protect the health, safety and welfare of this community, to advertise and then adopt "Buffalo's Community Protection from Natural Gas Extraction Ordinance," which the People of the City have submitted to the members of their Council.

Signature of Elector	Printed Name of Elector	Residence	Date of Signing
1. <i>[Signature]</i>	Alison J. J. J.	85 W. 3rd Ave. Buffalo, NY	10-30-12
2. <i>[Signature]</i>	Kim Chommate	1972 Lancaster Ave Buffalo	10/30/10
3. WILLIAM BEACH	William Beach	45 CONNECTICUT ST	
4. <i>[Signature]</i>	John E. Huberman	303 Highland Ave Buffalo	
5. <i>[Signature]</i>	Marie Kollman	171 Lisbon Ave, Buffalo	10/30/10
6. <i>[Signature]</i>	Joe Schmidt	171 Lisbon Ave, Buffalo	10/30/10
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215

the City have submitted to the members of their Council.

	<u>Signature of Elector</u>	<u>Printed Name of Elector</u>	<u>Residence</u>	<u>Date of Signing</u>
1.	[Signature]	DEBORAH SEIFERT	495 CONA. BLVD	10/30/10
2.	[Signature]	Anne Heiner	337 Pennsylvania Blvd NY	10/30/10
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216

Regular Committees

CIVIL SERVICE

(Bonnie E. Russell, Chairperson)

217

Appt Jr. Data Control Clk(Perm)(Inter)(Harding)(compt)
(ccp# 15, 12/14)

Mrs Russell moved

That Communication of 15 of December 14, 2010, be received and
Filed and that the Permanent appointment of David E. Harding, 169
Garner Avenue, Buffalo, NY 14213 at the Intermediate Salary of
\$33,457.00 is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5

2/3 - 6

3/4 - 7

220
Appt Supervisor of Street Sanitation I(Perm)(Inter)(Harding)(Compt) Clk(Perm)(Inter)(Harding)(compt)
(ccp# 23, 12/14)

Mrs Russell moved

That Communication of 23 of December 14, 2010, be received and
Filed and that the Permanent appointment of Robert Devoe, 106
Columbus Ave, Buffalo, NY 14220 at the Second Step of \$37,826.00
is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

221

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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Maj - 5
2/3 - 6
3/4 - 7

00043

222

Appt Assistant Administrator of Pkg(Max)(Kaczmarz)(Parking)
(ccp# 32, 12/14)

Mrs Russell moved

That Communication of 32 of December 14, 2010, be received and
Filed and that the Provisional appointment of Geraldine M. Kaczmarz,
47 Seward St, Buffalo, NY 14206 at the Maximum Salary of
\$61,315.00 is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

3

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

Appt Account Clerk Typist (Perm)(Inter)(Lee)(HR)
(ccp# 33, 12/14)

Mrs Russell moved

That Communication of 33 of December 14, 2010, be received and
Filed and that the Permanent appointment of Ramona Lee, 155
Durham Ave, Buffalo, NY 14215 at the Intermediate Salary of
\$34,268.00 is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E. Russell

5.

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225

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

Appt Compensation & Benefits Specialist(Perm)(Max)(Machin)(HR)
(ccp# 34, 12/14)

Mrs Russell moved

That Communication of 34 of December 14, 2010, be received and
Filed and that the Permanent appointment of Heather Machin, 14
Rosedale, Buffalo, NY 14207 at the Maximum Salary of \$46,507.00
is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E. Russell

5

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

228

Notices of Appointments-Temp/Prov/Perm(Cty Clk)
Ccp# 40, 12/14

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

6

229

COMMUNITY DEVELOPMENT
(Michael J. LoCurto, Chairman)

Report of Sale – 388 Winslow
(Item No. 3, C.C.P., Nov. 30, 2010)
(Item No. 63, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. LoCurto moved:

That the offer from Rev. Jacqueline Foye of Apostolic House of Prayer, 1455 Fillmore Avenue, in the sum of Two Thousand and Four Hundred Dollars (\$2,400.00) for the purchase of 388 Winslow, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Executive Director, Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

Passed.

Recommended by the Committee on Community Development


Chairman

RELOM

7

230A

Mr. LoCurto moved that the above item be recommitted to the Committee on Community Development

ADOPTED

Report of Sale – 276 Chelsea
(Item No. 64, C.C.P., Sep. 21, 2010)
(Item No. 54, C.C.P., Apr. 13, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. LoCurto moved:

That the offer from Mrs. Lula Foxworth, residing at 278 Chelsea, in the sum of Two Thousand Dollars (\$2,000.00) for the purchase of 276 Chelsea, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

Recommended by the Committee on Community Development


Chairman



231A

Mr. LoCurto moved that the above item be recommitted to the Committee on Community Development

ADOPTED

Report of Sale – 42 Colorado
(Item No. 5, C.C.P., Mar. 30, 2010)
(Item No. 65, C.C.P., Sep. 21, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. LoCurto moved:

That the offer from Arthur T. Logan, residing at 46 Colorado, in the sum of Nine Hundred Dollars (\$900.00) for the purchase of 42 Colorado, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser, and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

Recommended by the Committee on Community Development


Chairman

232A

Mr. LoCurto moved that the above item be recommitted to the Committee on Community Development

ADOPTED

Report of Sale – 1606 Jefferson
(Item No. 66, C.C.P., Sep. 21, 2010)
(Item No. 64, C.C.P., Dec. 22, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. LoCurto moved:

That the offer from Ms. Phyllis N. Caver, residing at 254 Brunswick Boulevard, in the sum of One Thousand and Nine Hundred Dollars (\$1,900.00) for the purchase of 1606 Jefferson, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

Recommended by the Committee on Community Development


Chairman

233A

Mr. LoCurto moved that the above item be recommitted to the Committee on Community Development

ADOPTED

Report of Sale – 14 Kehr
(Item No. 7, C.C.P., Mar. 30, 2010)
(Item No. 67, C.C.P., Sep. 21, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. LoCurto moved:

That the offer from Ms. Margaret A. Hawkins, residing at 20 Kehr Street, in the sum of One Thousand and One Hundred Dollars (\$1,100.00) for the purchase of 14 Kehr, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

Recommended by the Committee on Community Development


Chairman

234A

Mr. LoCurto moved that the above item be recommitted to the Committee on Community Development

ADOPTED

235

LEGISLATION

(Joseph Golombek Jr., Chairman)

00052

Food Store License – 912 East Delavan
(Item No. 25, C.C.P., Dec. 14, 2010)

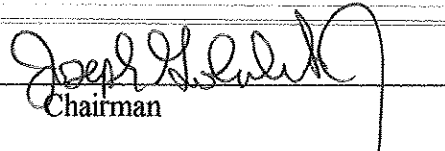
That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 194 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Food Store License to Mohamed Obeo Elwaseem d/b/a Save \$ Plus located at 912 East Delavan.

Passed

Recommended by the Committee on Legislation


Chairman

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RECOM

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236 A

Mr. Golombek moved that the above item be recommitted to the Committee on Legislation.

ADOPTED

Food Store License – 389 Grider
(Item No. 26, C.C.P., Dec. 14, 2010)

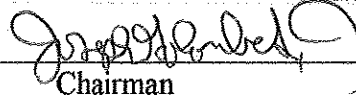
That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 194 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Food Store License to Naser A. Saleh d/b/a City Max Market located at 389 Grider.

Passed

Recommended by the Committee on Legislation


Chairman

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Mr. Golombek moved that the above item be recommitted to the Committee on Legislation

ADOPTED

Food Store License – 309 Hudson
(Item No. 27, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 194 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Food Store License to Mugali Ha Yafay d/b/a Gold Star Mini Market located at 309 Hudson with the following conditions:

1. That there be no outdoor signage.
2. That signage cannot block any windows.
3. That there be no hand-painted signage on the exterior of the building.
4. That the store is to close on or before 11:00 pm Sunday through Thursday.
5. That the store is to close on or before 12 midnight on Friday and Saturday.
6. *That store hours must be posted conspicuously on the premises.*
- Passed 7. *No cigarette signage or advertising inside or outside of the store.*
8. *Interior/exterior must be properly maintained including cleanup of trash and debris every morning.*
9. *Must meet regularly with the block clubs.*

Recommended by the Committee on Legislation _____

Chairman

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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Food Store License – 2319 Main a/k/a 2317 Main
(Item No. 28, C.C.P., Dec. 14, 2010)

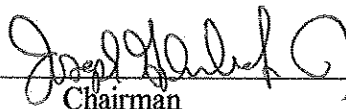
That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 194 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Food Store License to Robert Brown d/b/a Pee-Wee's Variety Store located at 2319 Main Street a/k/a 2317 Main Street.

Passed

Recommended by the Committee on Legislation


Chairman

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242
**Mr. Golombek moved that the above item be recommitted to the Committee on
Legislation**

ADOPTED

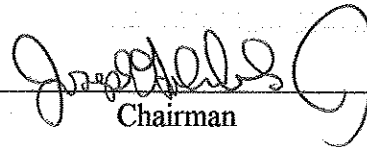
00056

Second Hand Dealer – 1675 South Park
(Item No. 29, C.C.P., Dec. 14, 2010)

That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Ronald Talboys d/b/a Habitat for Humanity Buffalo Restore South located at 1675 South Park.

Passed.

Recommended by the Committee on Legislation


Chairman

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16

244

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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00057

Used Car Dealer – 2208 Elmwood Avenue
(Item No. 31, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 254 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Used Car Dealer license to Ronald Schreiber d/b/a E Z Loan Auto Sales, LLC located at 2208 Elmwood Avenue as a display lot only.

Passed.

Recommended by the Committee on Legislation


Chairman

17

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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3/4 - 7

00058

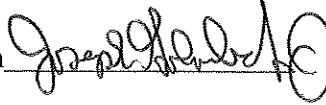
205

G. Chwalinski-W. Skretny Request to Assign Federal Courthouse Mailing Address of
2 Niagara Square
(#43, 12/14)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

A handwritten signature in dark ink, appearing to be "Joseph A. ...", written over a horizontal line.

18

246

Snow Removal Complaints
(Item No. 48, C.C.P., Dec. 14, 2010)

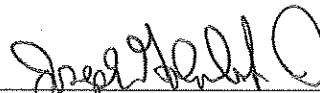
That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That the above-mentioned item be and the same is hereby received and filed.

Adopted.

Recommended by the Committee on Legislation


Chairman

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19

247
J. Allen, Petition to use 1600 Hertel for a Pole Sign
(Item No. 51, C.C.P., Dec. 14, 2010)

That the above item be, and the same hereby is, returned to the Common Council without recommendation.

Mr. Golombek moved:

That the petition of J. Allen, agent, for permission to use 1600 Hertel to erect a 12' high pole sign 3' x 5' on the Hertel side be, and hereby is approved.

Passed.

Recommended by the Committee on Legislation

Joseph Golombek
Chairman

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REC 17

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247A

Mr. Golombek moved that the above item be recommitted to the Committee on Legislation

ADOPTED

00061

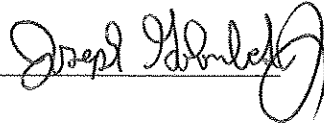
248

Ohl & O-Establish Alternate Pkg on S. Ogden Btwn Clinton & Griswold for Winter Months
(#53, 11/3)(#75, 11/16)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



21

00062

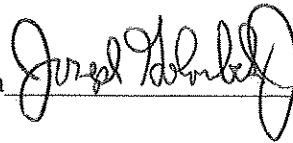
249

K. Kinder-List of Properties Maintained by COB Div of Parks & Recreation
(#43, 9/21)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



22

00063

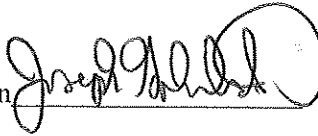
250

M. Kearns-Non Partisan Elections Approved in California
(#54, 6/22)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

A handwritten signature in dark ink, appearing to read "Joseph G. Allen", written over a horizontal line.

23

251

RESOLUTIONS

By: Mr. Fontana

Re: Ordinance Amendment

Chapter 78, Animals

The Common Council of the City of Buffalo does hereby ordain as follows:

ARTICLE III Licensing and Impoundment of Dogs; Cats (§78-11-§78-15)

§78-11 Public Pound

A. There shall be established and maintained by the City of Buffalo a public pound in which shall be [distrained] detained and impounded all untagged and unlicensed dogs and in which shall be impounded all lost, strayed or homeless dogs found running at large within the City.

B. The pound so established shall be maintained and operated under and by direction of the Commissioner of Street Sanitation, who is, together with any person in his Department designated by him, hereby charged with performing all the duties required for the seizure and impounding of such dogs and for the destruction or sale thereof in accordance with the provisions of Article 7 of the Agriculture and Markets Law.

C. The pound is hereby authorized to impound and shelter lost, stray or homeless cats and to arrange for spaying or neutering of such cats. Fees for the adoption of such cats and any necessary shots or treatment shall be as provided in Chapter 175, Fees.

§78-12 Seizure, redemption periods and impoundment fees.

The seizure of dogs, the redemption periods and the impoundment fees shall be governed by Article 7 of the Agriculture and Markets Law of the State of New York and as provided in Chapter 175, Fees. Notwithstanding the foregoing, the City of Buffalo shall maintain a redemption period of no less than three days, except that, where notice to the owner of record is given by mail, the redemption period shall be no less than seven days.

§78-13 Adoption, fee.

All dogs as to which title has been forfeited to the City pursuant to Article 7, § 118, of the Agriculture and Markets Law of the State of New York shall be made available for adoption in the discretion of the Commissioner of Street Sanitation. The City shall collect an adoption fee as provided in Chapter 175, Fees, at the time the custody of the dog is transferred; provided, however, that the new owner of the dog, upon furnishing satisfactory proof to the Commissioner of Street Sanitation that such dog has been spayed or neutered within 60 days after adoption, shall be entitled to a refund as provided in Chapter 175, Fees. The adoption fee may be waived for senior citizens upon the presentation of satisfactory proof of residency and identification as a senior citizen to the Commissioner of Street Sanitation.

37AA
RF

253

§78-14 Proof of ownership required for redemption.

Before any dog is redeemed from such pound, the Commissioner of Street Sanitation shall require proper and sufficient proof that the individual redeeming the dog is the owner of record of said dog.

§78-15 [Additional License Fees] Licensing and Identification of Dogs

Each and every dog within the City of Buffalo shall be licensed and identified as prescribed below.

§78-15.1 Legislative Intent

The purpose of this Ordinance is to provide for the licensing and identification of dogs, the control and protection of the dog population, and the protection of persons, property, domestic animals and deer from dog attack and damage.

§78-15.2 Limited Exemption

Any dog harbored within the City of Buffalo, which is owned by a resident of New York City or licensed by the City of New York or which is owned by a non-resident of New York State and licensed by a jurisdiction outside of the State of New York, shall for a period of thirty (30) thirty days be exempt from the licensing and identification provisions of this ordinance.

§78-15.3 License Requirement

A. All dogs within the City of Buffalo four (4) months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the City Clerk, at 1304 City Hall, 65 Niagara Square, Buffalo, NY 14202, a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the City of Buffalo. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license issued shall be valid for a period of one year and shall not be transferrable.

B. The City of Buffalo authorizes the Buffalo Animal Shelter, acting by its manager, to provide, accept and grant an application for a dog license made by a resident of the City of Buffalo at the time of the adoption of a dog from the Buffalo Animal Shelter provided that such application is made in accordance with §78-15.3 A of this Ordinance and the license fee, any additional fee and surcharge shall be remitted to the City Clerk of the City of Buffalo on or before the third day of the month following the month in which the license fee and additional fee and surcharge was received.

§78-15.4 License Fees

The City of Buffalo hereby establishes the fee for a dog license issued pursuant to §78-15 at \$13.50 for each spayed or neutered dog to which \$7.00 shall be added for a total fee of \$20.50 if the dog for which the application is made is unspayed or unneutered.

§78-15.5 Exceptions to Fee Requirements

Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.

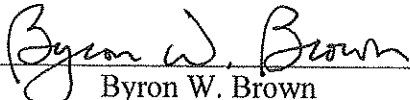
§78-15.6 Identification of Dogs

A. The licensee shall receive an oblong tag with a seven-digit number on it. This tag must be attached to the dog's collar. This is the only tag issued. If the tag is lost, a replacement tag must be obtained from the City Clerk's Office for a fee of \$10.00.

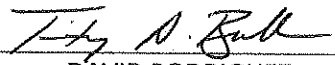
B. Any dog four months of age or older must be vaccinated for rabies and carry a license tag on its collar on or off the premises of the license holder. This tag has a number issued for that particular dog for its entire life. The license number relates to ownership, current rabies status, and a description of the dog. Any dog found in the City of Buffalo on or off the owner's premises, leashed or unleashed, and not wearing a license tag, is considered a stray or stolen dog and is subject to seizure under Article 7 of the New York State Agriculture and Markets Law.

C. A dog participating in a dog show shall be exempt from the identification requirement of this Section and Section 111 of the NYS Agriculture and Markets Law during such participation.

IT IS HEREBY CERTIFIED, pursuant to Section 3-19 of the Charter of the City of Buffalo, that the immediate passage of this Ordinance is necessary.


Byron W. Brown
Mayor

APPROVED AS TO FORM ONLY:


DAVID RODRIGUEZ
ACTING CORPORATION COUNSEL
By: Timothy A. Ball
Assistant Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

PASSED

* AYE * NO *

FONTANA	*	*	*
FRANCZYK	*	*	*
GOLOMBEK	*	*	*
HAYNES	*	*	*
KEARNS	*	*	*
LOCURTO	*	*	*
RIVERA	*	*	*
RUSSELL	*	*	*
SMITH	*	*	*
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RESOLUTION

By: Mr. Fontana

RE: Request to Assign Federal Courthouse Mailing Address of 2 Niagara Square

WHEREAS, On November 30, 2010, Chief Judge for the United States District Court of the Western District of New York requested that the new federal courthouse in Buffalo be assigned the mailing address of 2 Niagara Square, Buffalo, New York, 14202;

WHEREAS, Presently the new Federal Courthouse is located on the post office grid location for addresses with numbers 2 through 50 and, therefore, said request is fully consistent with its location on the grid;

WHEREAS, This request is particularly important because the new federal courthouse will be the destination for much important and highly confidential mail, the security of which must be a top priority;

WHEREAS, Best security practices require that mailing address confusion be kept to a minimum and that there be no identical mailing address on Niagara Street, Niagara Plaza or Niagara Court;

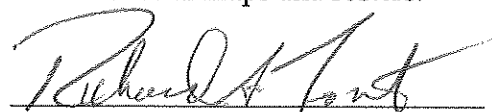
WHEREAS, The United States Postal Service has confirmed that there is no "2" address on Niagara Street, Niagara Plaza or Niagara Court and it is also the United States Postal Service's position that assignment of this address exclusively to the new federal courthouse would be a best security practice;

WHEREAS, This request was promptly forwarded to the City of Buffalo Departments of Police, Fire, Public Works and the United States Postal Service, none of whom offered any objections to said request;

WHEREAS, The Common Council finds that the assignment of the address "2 Niagara Square, Buffalo, NY 14202" is a best security practice and will minimize address confusion for this important federal building;

NOW, THEREFORE BE IT RESOLVED, That this Common Council hereby decrees, declares and memorializes the mailing address for the new Federal Courthouse fronting on Niagara Square, between Delaware Avenue, South Elmwood Avenue and Mohawk Street as "2 Niagara Square, Buffalo, NY 14202";

BE IT FURTHER RESOLVED, That this Resolution be forwarded to the City Clerk, the Department of Assessment and Taxation, the Department of Public Works, the Department of Police, the Department of Fire, the Office of the Erie County Clerk and the United States Postal Service after ratification by the Mayor for the update of any and all official maps and rosters.


Richard A. Fontana

PASSED

37AB

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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Maj - 5
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RESOLUTION


Sponsor: Mr. Fontana

Subject: Excusing Council Member Smith from the Dec. 28, 2010 Common Council Meeting

Whereas: Demone A Smith, Masten District Council Member, has requested that he be excused from attending the December 28, 2010 regular meeting of the Common Council.

Now, Therefore, Be It Resolved:

That the Common Council of the City of Buffalo, NY hereby excuses Demone A. Smith, Masten District Council Member, from attending the December 28, 2010 meeting of the Common Council.



Richard A. Fontana
Council Majority Leader
Lovejoy District Council Member

ADOPTED

37AC

BY: MR. FRANCZYK

RE: REVISE PRESERVATION CODE

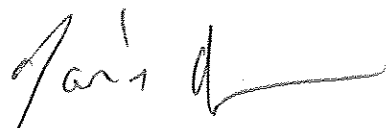
WHEREAS: The preservation code of the City of Buffalo states that "all decisions and actions of the Preservation Board shall be made by a majority votes of the full membership," which is six votes as the board is currently constituted; and,

WHEREAS: As there is at nearly any given time unfilled vacancies to the Preservation Board, it has become increasingly difficult to muster the six votes for action, thereby nullifying the legislative responsibility of the board; and,

WHEREAS: Lacking a six vote majority, the board will on many instances be unable to approve or deny applications within 45 days, resulting in stalled or nullified improvements to a building, or unnecessary demolition; and,

NOW THEREFORE BE IT RESOLVED: That the Corporation Counsel draft an ordinance amendment including the following wording to Section 337-4(c) (1): " A quorum (of the Preservation Board) shall consist of a majority of the members. All decisions of the Preservation Board shall be made by a majority vote of the full membership. All decisions of the Preservation Board shall be made within 45 days, or such longer period of time as may be agreed to by the applicant consistent with this ordinance, but if the Preservation Board fails to act within 45 days, such failure to act shall be deemed a denial of the application."

BE IT FURTHER RESOLVED: That Section 337-21(c) be amended to read, "In case of a denial (by the Preservation Board), the Preservation Board shall state the reasons therefore and shall make recommendations concerning changes in the applicants proposed action that would be ground for reconsidering the application. An applicant may amend an application while it is being considered by the Preservation Board, but not reapply until at least six months from the date of the denial."



DAVID A. FRANCZYK

:

REFERRED TO THE COMMITTEE
ON LEGISLATION.

37A

RA

By: Mr. Golombek, *MR. FONTANA*

Re: Ordinance Amendment

Chapter 288, Natural Gas Extraction Prohibition

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 288 of the Code of the City of Buffalo be added to read as follows:

Chapter 288, NATURAL GAS EXTRACTION PROHIBITION

Whereas, this ordinance bans the commercial extraction of natural gas within the city because said extraction is believed to threaten the health, safety, and welfare of residents and neighborhoods of the City of Buffalo; and

Whereas, this Ordinance shall be known and may be cited as "Buffalo's Community Protection from Natural Gas Extraction Ordinance;" now therefore, Section 288, Natural Gas Extraction Prohibition is added to the Buffalo City Code as follows:

§288-1 Findings and Intent

A. The Common Council of Buffalo finds that the commercial extraction of natural gas in the urban environment of Buffalo poses a significant threat to its residents' health, safety, and welfare, as widespread environmental and human health impacts have resulted from commercial gas extraction in other areas.

B. The Common Council believes that the protection of residents, neighborhoods, and the natural environment is an appropriate use of its police powers. The Common Council thus hereby adopts this ordinance, which establishes a Bill of Rights for the residents of the City of Buffalo and bans commercial extraction of Marcellus Shale natural gas within the City of Buffalo because that extraction cannot be achieved without endangering the health, safety, and welfare of the residents of the City of Buffalo.

§288-2

A. "Natural Gas" shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or natural gas.

B. "Extraction" shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas or other hydrocarbons.

C. "Corporations," for purposes of this ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws

261

of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability status or protections for its owners, directors, officers, and/or managers.

§288-3 Rights of Citizens of the City of Buffalo to Natural Resources

A. Right to Water. All residents, natural communities and ecosystems in Buffalo possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the City.

B. Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish within the City of Buffalo.

C. Right to a Sustainable Energy Future. All residents, natural communities, and ecosystems in Buffalo possess a right to a sustainable energy future, comprised of the production and use of energy from renewable fuel sources.

§288-4 Prohibition Against Natural Gas Extraction

It shall be unlawful for any person or corporation to engage in the extraction of natural gas within the City of Buffalo, with the exception of gas wells installed and operating at the time of enactment of this Ordinance.

§288-5 Enforcement

A. Any person, corporation, or other entity that violates any prohibition of this Ordinance shall be guilty of a summary offense and, upon conviction thereof, shall be subject to the maximum fine allowable under this Charter and Code for said violation. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance found to be violated.

B. The City of Buffalo may also enforce this Ordinance through an action in equity brought in New York State Supreme Court. In such an action, the City of Buffalo shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

§288-6 Effective Date and DEC Permit Holders

This Ordinance shall be effective five (5) days after the date of its enactment, at which point the Ordinance shall apply to any and all commercial extractions of natural gas in the City of Buffalo regardless of the date of issuance of any applicable DEC permits.

§288-7 Severability

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.

262

§288-8 Repealer

This Ordinance shall repeal any prior inconsistent ordinances contained in the Buffalo City Code purporting to regulate or allow natural gas extraction.

APPROVED AS TO FORM

Timothy A. Ball

David Rodriguez
Acting Corporation Counsel
By: Timothy A. Ball
Asst. Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

REFERRED TO THE COMMITTEE
ON LEGISLATION.

00069

263

RESOLUTION

Appoint Legislative Aide

By: Mr. Kearns

Whereas: I, Michael P. Kearns, wish to appoint Matthew J. Fisher of 111 Eden Street, Buffalo, NY 14220 to the position of Legislative Aide of the South District;
and

Now, Therefore, Be It Resolved: That the Common Council hereby appoints Matthew J. Fisher to the position of Legislative Aide to the South District Councilmember.



Michael P. Kearns

ADOPTED

38

264

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
HAYNES	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*

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Resolution

265

By: Councilmember Smith

RE: Project Lockdown

Whereas: Many of the issues that impact the constituents in the City of Buffalo are not quickly relayed to them; and

Whereas: The only source of immediate information to the residents in the City of Buffalo are from the cable stations for those who have cable; and

Whereas: public misconduct and violence have plagued our community and often times the constituents are unaware of what may be happening in their neighborhood as its happening; and

Whereas: The constituents need to be aware of what is going on in their community and how to react to emergencies or issues of threat; and

Whereas: A variety of community business and government agencies can form a relationship to immediately alert residents of threats in their neighborhood

Now, Therefore, Be It Resolved That:

A system of alert to neighborhoods of immediate threats be developed that has a proactive and comprehensive emergency service and public information program to include external communications, community relations and media relations to insure successful collaboration and integration of crisis management.


Demone Smith

REFERRED TO THE COMMITTEE
ON LEGISLATION.

39

00071

Resolution

26¹⁰

By: Councilmember Smith

RE: Request a feasibility study for a one way street determination on Pansy Street

Whereas: The residents of Pansy Street have requested that the current two way street be converted into a one way street from Florida Street to East Delavan Avenue; and

Whereas: A feasibility study is needed to determine if the transition from a two way to one way is beneficial for traffic.

Now, Therefore, Be It Resolved That:

That a feasibility study for a one way designation on Pansy Street be conducted.



Demone Smith

REFERRED TO THE COMMITTEE
ON LEGISLATION.

39-1

By: Councilmember Smith

RE: Request Two Yearly Electronic Recycle Days

Whereas: Electronic recycling has become a necessity for municipalities to combat the improper disposal of electronic equipment; and

Whereas: Discarded electronic equipment are sources of extreme pollution due to the hazardous materials contained inside of the devices; and

Whereas: Electronic recycling days have been very successful in previous years. Especially, after the holidays when there is a high changeover of electronic goods. Currently, there has not been an announcement of electronic recycling days and there may be a possibility that there will not be any in 2011.

Now, Therefore, Be It Resolved That:

That the Department of Public works and the Environmental Management Commission arranges two electronic recycling days and if this cannot be done please report back to this Council the barriers for implementation.


Demone Smith

REFERRED TO THE COMMITTEE ON COMMUNITY DEVELOPMENT AND
ENVIRONMENTAL MANAGEMENT

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**THE RESPONSIBLE TOBACCO RETAILING ACT
BUFFALO, NEW YORK**

By Mr. Demone A. Smith:

Re: Ordinance Amendment

Chapter 197, Responsible Tobacco Product Retailing

The Common Council of the City of Buffalo does hereby ordain as follows:

WHEREAS: More than 2,100 high school age youth in the City of Buffalo and 33,600 adults currently smoke and approximately 390 adults in Buffalo die prematurely from smoking each year;

WHEREAS: Each year, approximately 1,200 new kids under the age of 18 in the City of Buffalo try smoking for the first time and, unless current trends change, more than 17,100 of the children alive today in Buffalo will grow up to be addicted adult smokers;

WHEREAS: Smoking-caused healthcare costs in the City total at least \$108 million per year, with smoking-caused worker productivity losses in the City annually totaling more than \$80 million.

WHEREAS: Tobacco products – unlike any other consumable product sold at retail – are inherently and inescapably harmful and addictive when used exactly as intended, and there is no safe or risk-free way to consume Tobacco Products;

WHEREAS: Tobacco use and the advertising, marketing and sale of Tobacco Products in the City of Buffalo create substantial public health harms and other harms and costs in the City;

WHEREAS: Tobacco use and the advertising, marketing and sale of Tobacco Products in the City of Buffalo create significant law enforcement problems relating to such matters as sales to youth and the sale and purchase of illicit Tobacco Products;

WHEREAS: Existing federal, state and local efforts to prevent and reduce tobacco use are not reducing tobacco use and its many harms and costs rapidly enough in the City of Buffalo;

WHEREAS: The advertising, marketing and sale of Tobacco Products at retail outlets increases and sustains tobacco use and its many harms and costs by increasing tobacco use experimentation and initiation, especially among youth, reducing tobacco use cessation among existing users, and prompting unplanned impulse purchases of Tobacco Products by both ongoing users and those trying to quit;

WHEREAS: The advertising, marketing and sale of Tobacco Products with candy, fruit or other kid-attracting or harshness-reducing flavors in locations accessible by youth increases youth experimentation, initiation and addicted use;

WHEREAS: The advertising marketing and sale of Tobacco Products is inherently deceptive and misleading to consumers because it presents Tobacco Products as acceptable, even beneficial and attractive, items for consumer purchase and use; and just the fact that Tobacco Products are permitted to be sold and advertised misleads many consumers to believe that Tobacco Products are significantly less harmful and addictive than they actually are;

WHEREAS: The typically disproportionate amount of advertising for Tobacco Products at retail outlets blocks and impedes the display of advertising for other products that, unlike Tobacco Products, can be used safely and often produce consumer and social benefits – thereby impeding efforts to advertise these other products and blocking the availability of consumer information about these other products;

WHEREAS: The advertising and marketing of Tobacco Products at retail outlets and near schools and playgrounds reaches and influences many youths, thereby encouraging initiation and tobacco use by minors, and related purchases by and sales to minors, in violation of applicable laws;

WHEREAS: The more youth are exposed to tobacco product advertising, marketing and sales the more likely they are to experiment with and initiate tobacco use and the more likely they are to become addicted users;

WHEREAS: Minimizing youth exposure to tobacco product advertising and sales is an effective way to prevent and reduce youth tobacco use;

WHEREAS: Minimizing the amount of tobacco product advertising, especially in locations where it is most likely to be viewed by youth, is the most effective way to reduce youth exposure to tobacco product advertising;

WHEREAS: Tobacco product manufacturers, importers, distributors and other sellers have numerous ways to communicate product information and provide other advertising to their legal adult customers other than through display advertisements and signs inside or outside of retail outlets or in other outdoor areas;

WHEREAS: The First Amendment does not allow the City of Buffalo to eliminate all tobacco product advertising or all tobacco product advertising that reaches youth;

WHEREAS: Upcoming new federal restrictions and requirements on cigarette and smokeless tobacco product advertising and marketing will still allow for substantial youth and adult exposure to tobacco product advertising, marketing and sales and will still allow tobacco product advertising and marketing to mislead consumers, increase youth experimentation and initiation, and increase overall tobacco use, harms and costs;

WHEREAS: The display of tobacco products leads minors and adults to develop favorable beliefs about tobacco use, such as overestimating the prevalence or acceptability of tobacco use or underestimating the harm and health risks caused by tobacco use;

WHEREAS: The display of tobacco products at sales outlets plays a significant role in the decision of individuals, especially youth, to purchase or use tobacco products, and increases the amount of unplanned or impulse purchases of tobacco products;

WHEREAS: The World Health Organization has endorsed a ban on retail tobacco product displays as an effective method of reducing tobacco use;

WHEREAS: Existing warning labels on Tobacco Products and related advertising, while helpful, do not adequately educate consumers about the harmfulness and addictiveness of tobacco products and do not adequately counter the power of Tobacco Product advertising, marketing and sales to mislead consumers, increase initiation, reduce cessation, and otherwise maintain or increase overall tobacco use;

WHEREAS: Additional measures are needed to educate consumers about how harmful and addictive tobacco products are and to inform current users how they can get help to quit or cutback their tobacco use, and to remind consumers of these facts at the point of purchase so that they can avoid unplanned impulse buys of tobacco products and make more thoughtful purchase decisions;

WHEREAS: The City of Buffalo is preempted by federal law from requiring warning labels on cigarette or smokeless tobacco packages or advertising;

WHEREAS: Reducing the number of retail outlets that sell tobacco products in the City of Buffalo will make tobacco product sales less pervasive and appear less acceptable and common and will otherwise help to prevent and reduce tobacco use;

WHEREAS: Sales of tobacco products in locations directly associated with healthcare and medicines makes tobacco products appear less harmful and more acceptable than they actually are, thereby helping increase overall use and harms;

WHEREAS: Sales of tobacco products in locations frequented by youth, such as schools, or at sales outlets that allow youth, directly increases youth tobacco use experimentation, initiation and addiction;

WHEREAS: Sales of tobacco products in locations where food or alcoholic beverages are served or at recreational facilities, or where many other non-tobacco products are sold increases unplanned impulse purchases and otherwise increases tobacco use;

WHEREAS: Banning the sale of Tobacco Products in the City of Buffalo would cause substantial economic harm to the City and to many retailers located in the City – while Tobacco Products would still be available for purchase by Buffalo consumers in other nearby locations – and could promote a substantial increase in contraband Tobacco Product trafficking and other illicit trade;

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WHEREAS: The manufacturers and importers of Tobacco Products sold in the City of Buffalo enjoy substantial revenues and profits from the marketing and sale of their Tobacco Products in the City;

WHEREAS: Manufacturers and importers of tobacco products often support retailer-based advertising, marketing and discounting of tobacco products in the City of Buffalo through monetary payments and other means;

WHEREAS: The manufacturers and importers of Tobacco Products sold in the City of Buffalo do not currently provide the City with any resources to enable the city to regulate the marketing and sale of those Tobacco Products effectively to reduce and otherwise address the many harms, costs and other problems caused to the City from the marketing, sale and use of those Tobacco Products;

WHEREAS: The advertising, marketing and sale of large numbers of different Tobacco Products and different Tobacco Product brands and sub-brands in the City of Buffalo – including many with special flavorings attractive to youth and many that are inaccurately perceived by consumers as less risky or less harmful than other brands or sub-brands – works to increase and sustain tobacco use and its many harms and costs;

WHEREAS: The advertising, marketing and sale of large numbers of different Tobacco Products and different Tobacco Product brands and sub-brands in the City of Buffalo reduces the variety, availability, and prominence at retail of other, more beneficial consumer products, and their advertising, in the City;

WHEREAS: The City of Buffalo has a direct interest in reducing tobacco use and its many harms and costs in the City to the lowest possible levels as quickly as possible;

WHEREAS: The City of Buffalo has a direct interest in minimizing youth exposure to any tobacco product advertising, marketing and sales in the City;

WHEREAS: The City of Buffalo has a direct interest in minimizing adult exposure to tobacco product advertising, marketing and sales in the City, especially all such tobacco product advertising that is misleading, increases unintended and undesired impulse purchases and use, impedes cessation efforts, or otherwise manipulates or influences adults to initiate, sustain or increase their tobacco use;

WHEREAS: The City of Buffalo has a direct interest in stopping disproportionate amounts of tobacco product advertising from blocking the advertising of other products that, unlike tobacco products, are not unavoidably harmful when used as intended and, in many cases, produce substantial consumer and social benefits;

WHEREAS: The following new efforts to license retail sellers of Tobacco Products, regulate and restrict the marketing and sale of Tobacco Products to Buffalo consumers, reduce the number of retail outlets that sell Tobacco Products, and otherwise reduce the availability and number of Tobacco Product brands and sub-brands offered for sale to Buffalo consumers will

each and all work directly to help reduce tobacco use and the many harms and costs in the City caused by tobacco use and by the marketing and sale of Tobacco Products in the City as quickly and sharply as possible and otherwise promote the City of Buffalo's interests described above;

WHEREAS: The following provisions are each and all necessary to help prevent and reduce tobacco use and its harms in the City of Buffalo as quickly and effectively as possible;

WHEREAS: Any delay in preventing and reducing tobacco use and its harms in the City of Buffalo will have horrible consequences in terms of increased addiction, disease, disability and premature death;

WHEREAS: Any delay in preventing and reducing tobacco use and its harms in the City of Buffalo will translate directly into higher government, private sector and household expenditures and costs; and

WHEREAS: The following provisions will leave tobacco product manufacturers, importers and sellers with reasonable and adequate ways to communicate non-misleading commercial information to their legal customers about the tobacco products they manufacture, import or sell:

NOW, THEREFORE, BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF BUFFALO, as follows:

Section 1. New Chapter 195. The Common Council of the City of Buffalo hereby establishes the following new Chapter 195, Responsible Tobacco Product Retailing, be added, effective 90 days after passage, including Sections 195-1 through 195-12, to read as follows:

Chapter 195, Responsible Tobacco Product Retailing

§ 195-1. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

"Brand" of Tobacco Product means all styles of Tobacco Products sold under the same trademark and differentiated from one another by means of additional modifiers or descriptors – including but not limited to, terms such as "menthol," "kings," "100s," "cherry-flavored," "lights," "smooths," "blues," "rough cut," and the like – or by packaging that uses a different color or style – and includes any brand name, alone or in conjunction with any other word, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical to or similar to, or identifiable with, a previously known brand of Tobacco Product.

"Commissioner" means the Commissioner of the Department.

"Department" means the Department of Economic Development, Permit and Inspection Services, or any person authorized by the Commissioner to act on the Department's behalf.

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"Person" means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

"Premium Cigar" means any cigar wrapped solely in whole tobacco leaf that weighs more than eight pounds per thousand and has a retail price, before any sales taxes, of more than \$2.50 per cigar.

"Sub-Brand" of Tobacco Product means any Tobacco Product differentiated from other Tobacco Products within the same Brand by means of an additional modifier or descriptor – including but not limited to terms such as "menthol," "kings," "100s," "cherry-flavored," "lights," "smooths," "blues," "rough cut," and the like – or by packaging that uses a different color or style.

"Tobacco Product" means any product or substance that contains tobacco, including but not limited to cigarettes, cigars, pipes, snuff, smoking tobacco and smokeless Tobacco Products, that is intended or expected for human consumption, except for any such product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

§ 195-2. Required Licenses.

A. Starting April 1, 2011, no person shall engage in the business of selling Tobacco Products to consumers in the City of Buffalo without first having been issued a license by the Department pursuant to a verified written application upon a form provided by the Department.

B. Except in cases of a license holder's death and the transfer of the business and related license to his or her heirs, any change in business ownership or business location requires a new application and new license, and all licenses issued pursuant to this Section are nontransferable and are valid for only the specific owner/operator and the specific business location indicated on the license. The application for a replacement license, pursuant to this Section, for the same location by the heirs of a holder of an expiring license who died during the term of the expiring license shall be considered an application for a renewal of a license and not an application for a new license.

C. Licenses shall be issued for a period of no more than one year, terminating on the next March 31 following the effective date of the license, unless prior to that date the license is revoked by the Commissioner or the Common Council for cause or abandoned or otherwise terminated by the person holding the license.

D. Upon receipt of a complete license application or a complete application for a renewal of a license, the Commissioner shall, to the extent the Commissioner deems necessary or appropriate for determining if a license should be issued, refer such application to the Police Department, Fire Prevention Bureau of the Fire Department, City Treasurer and any other relevant department or agency of City, State or Federal Government.

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E. No license for the sale of Tobacco Products shall be issued if the applicant is not registered with the state as a retail dealer in cigarettes or other Tobacco Products.

F. No license for the sale of Tobacco Products shall be issued, and any existing license shall be revoked, if:

(1) the applicant has been found by a court of law to have violated any federal, state or local law prohibiting trafficking in contraband Tobacco Products or illegal drugs or has been convicted of violating any criminal law pertaining to tobacco products or fraud;

(2) the applicant has been found by a court of law or formal administrative hearing to have violated this Act or any local, state or federal law pertaining to the marketing or sale of Tobacco Products more than three times in the preceding two years;

(3) the applicant has been found by a court of law or formal administrative hearing to have knowingly and willfully violated this Act or any other local, state or federal law pertaining to the marketing or sale of Tobacco Products;

(4) the applicant knowingly provides false and misleading material information or knowingly fails to disclose material information in an application for a license under this Chapter;

(5) the structure that is the subject of the application is determined to have code violations that threaten the health and safety of patrons or does not have a valid certificate of occupancy;

(6) if the applicant has not paid to the City all fees, fines, penalties or other charges pertaining to any licenses pursuant to this Chapter held by the applicant or held for the subject location or pertaining to any prior violations of this Chapter pertaining to that location, unless the Department has determined that the applicant has no direct connection with those licenses or violations or to any related fees, fines, penalties or other charges; or

(7) the Commissioner determines that the applicant is otherwise not fit to hold a license because of past criminal convictions or civil law violations.

G. No license shall be issued pursuant to this Section to any seller of Tobacco Products that is not in a fixed, permanent location.

H. Unless the applicant has owned a business that has been selling Tobacco Products at that same location for at least 180 consecutive days immediately prior to the enactment of this Chapter, or has inherited such a business from the prior owner during those 180 days, no new license shall be issued pursuant to this Section to any seller of Tobacco Products:

(1) located at or on the property of any hospital or any other facility where health care services are provided;

(2) that also sells prescription drugs at the same location;

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(3) that also sells or serves alcoholic beverages for on-premises consumption at the same location;

(4) that operates a bowling alley, movie theater, game room or amusement arcade at the same location, or that obtains more than 50 percent of its revenues from providing any services or products used or consumed on site by children at the same location;

(5) located at or on the property of any elementary or secondary school, college, university, or other educational institution;

(6) located at any facility or property used primarily to provide on-site services to persons under the age of 18, such as child day care centers, children's institutions and youth centers; or

(7) located within 1,000 feet of the perimeter of the property of any location identified in Paragraphs (5) or (6), above.

I. Starting April 1, 2012, the total number of new and renewed licenses issued in the City of Buffalo pursuant to this Section for the sale of Tobacco Products to consumers for any year shall not exceed the total number of all such licenses in effect during the prior year.

J. Starting April 1, 2013, the total number of new (as opposed to renewed) licenses issued in the City of Buffalo pursuant to this Section for the sale of Tobacco Products to consumers in any year shall amount to no more than one new license for every two such licenses that were revoked in the prior year and one new license for every two such licenses issued in the prior year for which no renewal application was submitted or granted, until such time as the total number of either type of license issued pursuant to this Section in any given year is no more than 100 at which point the maximum number of available licenses for that and any future year shall be maintained at 100.

K. After the license year ending March 31, 2015, no license to sell Tobacco Products shall be issued pursuant to this Section to any seller of Tobacco Products at any location that has any of the characteristics identified in Paragraphs (1) through (6) of Subsection H, above, of this Section.

L. Whenever the number of valid submitted applications for new licenses to sell Tobacco Products exceeds the maximum number of such new licenses that may be issued pursuant to this Section, the Commissioner shall grant such licenses using the following priorities:

(1) Licenses shall be granted, first, to any person that held a valid license in the prior year, which is not being renewed, at a location that will in the future no longer qualify for such a license because of Subsection K, above, and is voluntarily moving his business ahead of time to a location where Tobacco Products may be sold even after Subsection K goes into effect. If there are more valid applications from such sellers for new licenses than the number of available new licenses, the licenses shall be granted to those applicants by lottery;

(2) Licenses shall be granted, second, to any person that held a valid license in the prior year at a location that no longer qualifies for such a license because of Subsections L, above, and is seeking a license at a new location where Tobacco Products may be sold. If there are more valid applications from such sellers for new licenses than the number of available new licenses, the licenses shall be granted to those applicants by lottery;

(3) Licenses shall be granted, third, to applicants who will sell the Tobacco Products only from a facility that does not permit persons under the age of 18 at any time. If there are more valid applications from such adult-only sellers for new licenses than the number of available new licenses, the licenses shall be granted to those applicants by lottery;

(4) Any remaining available new licenses shall be allocated among applicants from the different Common Council Districts in order to bring the total number of renewed and new licenses of each type in each District to approximately the same number. If there are more valid applications from applicants located in a specific Common Council District than the number of new licenses allocated to be issued for that District, the licenses for that Common Council District shall be granted to those applicants by lottery.

M. The Commissioner shall state in writing why a license is not issued or renewed, shall advise the applicant in writing of such reason, and shall offer the applicant an opportunity for a hearing. The Commissioner may appoint a hearing officer to conduct such a hearing.

N. The Commissioner may suspend or revoke a license issued pursuant to this Chapter for violations of its terms after notice to the license holder of the reasons for such suspension and revocation. The Commissioner shall provide any license holder an opportunity for a hearing regarding such suspension or revocation. Such hearing shall be held in a timely manner, shall provide the license holder with a statement of the alleged violations, shall offer the license holder an opportunity to cross examine witnesses against him or her, to offer evidence and argument on his or her behalf and to be represented by counsel. A record shall be made of the hearing. The Commissioner may appoint a hearing officer to conduct the hearing and to present the Commissioner with the record and the hearing officer's findings, conclusions and recommendations. The Commissioner shall have the sole authority to make a final determination regarding the suspension or revocation of a license.

O. Any license issued pursuant to this Chapter shall be displayed prominently at the location where the Tobacco Products are sold so that it is readily visible to customers.

P. Any seller of Tobacco Products operating without the license required by this Chapter shall be subject to a fine. Every day offering for sale or selling Tobacco Products without a license shall constitute a separate violation.

Q. Any seller of Tobacco Products that continues offering for sale or selling Tobacco Products without the license required by this Chapter after receiving notice from the Department or the Buffalo Police Department that the seller is operating without a license required by this Chapter shall be immediately closed by order of the Department or the Buffalo Police Department until

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such time as the seller removes all the Tobacco Products from the location or obtains the required license.

§ 195-3. Required Permits.

A. Starting January 1, 2011, no person shall sell, offer for sale, or otherwise provide to consumers in the City of Buffalo any Brand or Sub-Brand of any Tobacco Product unless the name of that Brand or Sub-Brand has been put on the Department's list of Tobacco Product Brands and Sub-Brands that may be sold to consumers in the City pursuant to this Section.

B. No Brand or Sub-Brand of Tobacco Product may be placed on the list of Tobacco Product Brands and Sub-Brands that may be sold to consumers in the City pursuant to this Section unless the manufacturer or an importer into the United States of that Brand or Sub-Brand, or a person acting with the authority or permission of the manufacturer or importer, has obtained a permit for that Brand or Sub-Brand from the Department pursuant to submitting the permit fee payment and a verified written application upon a form provided by the Department. Only one permit shall be required for each Brand and for each Sub-Brand of a Tobacco Product to allow its sale in the City.

C. All permits issued pursuant to this Section are nontransferable, and are valid for only the Brand or Sub-Brand indicated on the license. Any change in the Brand or Sub-Brand requires a new application.

D. Permits shall be issued for a period of no more than one year, terminating at the end of the calendar year of the effective date of the license, unless prior to that date the permit is revoked by the Commissioner or the Common Council for cause or abandoned or otherwise terminated by the person holding the permit.

E. The annual fee for each permit issued pursuant to this Section shall be \$1,000 for each Brand or Sub-Brand, and all permit fees paid to the Department shall be used solely for administering and enforcing:

- (1) this section;
- (2) the preceding section pertaining to the licensing of tobacco product sellers;
- (3) the other provisions of this Chapter;
- (4) other City laws and rules pertaining to the sale of tobacco products.

F. The Commissioner shall annually review the actual and expected payments received by the City for the permits issued pursuant to this Section compared to the City's actual and expected expenditures to administer and enforce this Chapter and other City laws relating to the retail sale of Tobacco Products in the City, and the Commissioner shall adjust the permit fee amount for the next permit year whenever a significant shortfall or excess of permit fee revenues occurs or is

projected for the coming fiscal year, except that the permit fee shall not be increased or reduced by more than \$500 for any year without the Common Council's formal consent.

G. Upon receipt of a complete permit application or a complete application for a renewal of a permit, the Commissioner shall refer such application to the relevant departments or agencies of City, State or Federal Government which the Commissioner deems appropriate for determining if a permit should be issued.

H. No permit shall be issued for the Brand or Sub-Brand of any manufacturer or importer if the applicant:

(1) does not have a valid permit to engage in the business of manufacturing or importing Tobacco Products from the federal government pursuant to the Internal Revenue Code (26 USC 5712 et seq.);

(2) sells cigarettes to consumers in New York State, as defined by New York State Public Health Law Section 1399-p, and is not compliant with that State law; or

(3) knowingly provides false and misleading material information or knowingly fails to disclose material information in an application for the permit.

I. No permit shall be issued for any Brand or Sub-Brand of cigarettes that is not certified as compliant with New York State fire-safety standards for cigarettes pursuant to New York State Executive Law Section 156-c, as identified on the list of certified brands and sub-brands maintained by the Office of Fire Prevention Control of the New York Secretary of State.

J. No permit shall be issued for any Brand or Sub-Brand of Tobacco Product that is not allowed to be sold in the City of Buffalo pursuant to Section 195-7, below.

K. No permit shall be issued, and any existing permits shall be revoked, for the Brands or Sub-Brands of any Tobacco Product manufacturer or importer that has, within the past two years, been convicted of violating any federal, state or other criminal laws prohibiting trafficking in contraband Tobacco Products.

L. Any Brands or Sub-Brand of Tobacco Products without a permit under this Chapter that are offered for sale to consumers in this City shall immediately be confiscated by the Buffalo Police Department or the Department. Any such confiscated Tobacco Product Brands or Sub-Brand that do not have a permit under this Chapter shall be destroyed unless used for enforcement or research purposes.

M. The Department shall regularly update the list of Tobacco Product Brands and Sub-Brands that have a valid permit pursuant to this Section and may be legally sold to consumers in the City of Buffalo, and shall make that list available to those licensed to sell Tobacco Products in the City and to the public by posting the list on the City's website and through other means.

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N. Upon request from the Department, any person selling Tobacco Products in the City of Buffalo shall provide the Department with a list of all Brands and Sub-Brands of Tobacco Products the seller sells or offers for sale in the City and shall identify the person or other source from which the seller obtains each of those Brands and Sub-Brands. Any information provided to the Department pursuant to this Subsection shall be used only to administer and enforce this Chapter and any other laws relating to the sale of Tobacco Products in the City of Buffalo.

O. Subsections A and L of this Section shall not apply to the sale of any tobacco product brands or sub-brands by a permanent retail sales outlet (which is not a part of a larger retail outlet) that does not at any time admit any person under the age of 18 and obtains no less than 75% of its revenues from the retail sale of Tobacco Products and other tobacco-related items.

§ 195-4. Administration and Enforcement of Permits and Licenses.

A. The Department may issue any regulations or guidelines necessary to implement, administer or enforce this Chapter.

B. Any license or permit granted under this Chapter may be suspended or revoked for cause by the Common Council, after notice and hearing.

C. The procedure for governing license and permit renewals pursuant to this Chapter shall follow the same procedures used for food store licenses under Chapter 194, Subsection 194-7.1, including its references to Section 194-7.

D. The Department shall establish a process for receiving and investigating reports from the public and others relating to the suitability of applicants for licenses or permits and to suspected or observed violations of this Chapter.

E. The City of Buffalo reserves the right to make unannounced, periodic on-site inspections during business hours by the Department or other enforcement officials to ensure compliance with all applicable laws and ordinances. The Department, or a person authorized by the Commissioner to act on the Department's behalf, shall make at least one unannounced inspection each year of each location subject to a license issued pursuant to this Chapter to ensure compliance with this Chapter and identify any violations.

F. To avoid duplicated efforts, conserve funding, and enhance the administration and enforcement of this Chapter, the Department may coordinate its efforts to implement and enforce this Section and this Chapter with other New York state or local governments or governmental agencies with similar laws and make use of any information or other resources available from those other governments or agencies.

G. The issuing of any license or permit pursuant to this Section or Chapter shall not confer any property rights on any holder of any such license or permit.

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H. The Department shall maintain regularly updated lists of the persons holding a license or permit pursuant to this Chapter and make those lists publicly available by posting the lists on the City's website and through other means.

§ 195-5. Restrictions on the distribution or sale of free or discounted Tobacco Products.

A. No person shall for commercial purposes:

- (1) offer or distribute to consumers in the City of Buffalo any Tobacco Product for free or for a nominal price;
- (2) offer for sale or sell any Tobacco Product to consumers in the City at a nominal price or at Less than Basic Cost;
- (3) distribute or cause to be distributed to consumers in the City any coupon or other item redeemable by consumers to obtain a Tobacco Product for free, at a nominal price, or for less than its Listed or Non-Discounted Retail Price;
- (4) shall accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any Coupon for providing consumers in the City any Tobacco Product for free, at a nominal price, or for less than its Listed or Non-Discounted Retail Price;
- (5) sell to consumers in the City any Tobacco Products through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide any Tobacco Products to consumers for free or at a discounted price in exchange for the purchase of any other Tobacco Product; or
- (6) sell to consumers in the City any Tobacco Product at less than its Listed or Non-Discounted Retail Price.

B. For the purpose of this Section:

- (1) "Coupon" shall mean any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price; and
- (2) "Listed or Non-Discounted Retail Price" shall mean the higher of the price listed for a Tobacco Product on its package or the price listed on any related shelving, posting, advertising or display at the place where the Tobacco Product is sold or offered for sale plus all applicable taxes if such taxes are not included in the stated price, and before the application of any discounts or coupons; and
- (3) "Less Than Basic Cost" shall mean less than the price actually paid by the seller to obtain the Tobacco Product, not including any rebates or other payments or credits obtained after the initial purchase, or, if higher, the following amounts plus all applicable state and local taxes:

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- (i) for cigarettes, \$3.00 per 20;
 - (ii) for conventional moist snuff smokeless tobacco, other loose smokeless tobacco, and loose tobacco for smoking, \$3.00 per 1.2 ounces;
 - (iii) for cigars weighing more than four and a half pounds per thousand, 50 cents per cigar;
 - (iv) for cigars weighing less than four and a half pounds per thousand, \$3.00 per 20;
 - (v) for any other Tobacco Products sold in discrete single-use units or packages of such single-use units (such as smokeless lozenges, tablets or snus), \$3.00 per 20; and
 - (vi) for any other Tobacco Products, \$3.00 per package or \$3.00 per ounce, whichever is higher.

Starting in 2012, the Commissioner shall adjust these monetary amounts and the monetary amount in Section 195-6 upward every two years, rounding up to the nearest ten cents, effective April 1, to account for inflation and Tobacco Product price increases, based on any percentage increase to the U.S. Bureau of Labor Statistic's Consumer Price Index for Tobacco and Smoking Products over the prior two complete calendar years.

§ 195-6. Tobacco Product packages.

A. No person shall sell or offer for sale or distribute to consumers in the City of Buffalo any Tobacco Product, other than premium cigars wrapped in whole tobacco leaf, except in a sealed package provided by the manufacturer or importer that complies with all applicable laws.

B. No person for commercial purposes shall sell or offer for sale or distribute to consumers in the City any Tobacco Products except in the following minimum package sizes:

- (1) for cigarettes, twenty cigarettes;
- (2) for conventional moist snuff, other loose smokeless tobacco, or loose tobacco for smoking, one ounce;
- (3) for cigars with a retail price, before any sales taxes, of less than \$2.00 per cigar, five cigars;
- (4) for all other cigars, one cigar; and
- (5) for any other Tobacco Products sold in discrete single-use units (such as smokeless lozenges, tablets or snus), 10 such single-use units.

§ 195-7. Restrictions on Flavored Tobacco Product Sales.

A. No person for commercial purposes shall sell, distribute or offer for sale to consumers any Tobacco Product or any component part thereof that:

- (1) has or produces a distinguishable flavor, taste or aroma (other than tobacco, menthol, wintergreen or mint) that can be readily perceived by a consumer or other person either prior to or during consumption; or
- (2) does not have or produce such a distinguishable flavor taste or aroma but is nevertheless labeled or advertised or otherwise marketed in the City of Buffalo as having or producing such a distinguishable flavor, taste or aroma.

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B. A Tobacco Product shall be deemed to be subject to this Section 195-7 if its labeling or advertising or a publicly disseminated official statement or formal claim by the manufacturer or importer, or by any person authorized or permitted by the manufacturer or importer to make such statements or claims concerning the Tobacco Product on its behalf, states that the Tobacco Product has or produces a flavor, taste, or aroma (other than tobacco, menthol, wintergreen or mint) either prior to or during consumption.

C. A Tobacco Product shall not be subject to this Section 195-7 solely because it contains certain additives or flavorings or because it has certain additives or flavorings included in any ingredient list.

D. For the purpose of this Section 195-7 "Tobacco Product" includes any product containing tobacco or nicotine that is expected or intended for consumption except for:

(1) any cigarettes subject to the Special Rule for Cigarettes relating to characterizing flavors of the federal Family Smoking and Tobacco Prevention Act;

(2) any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.

E. The prohibitions in Subsections A and B, above, shall not apply to any Tobacco Product sold in a permanent retail sales outlet (which is not a part of a larger retail outlet) that does not at any time admit any person under the age of 18 and obtains no less than 75% of its revenues from the retail sale of Tobacco Products, cigarettes, and other tobacco-related items.

F. The Department shall make public and regularly update a list of any tobacco products subject to this Section 195-7 pursuant to paragraph A(1) but not subject to this Section pursuant to A(2). No person shall be found to have violated this section 195-7 for the sale of any tobacco product described in paragraph A(1) that is not also described in paragraph A(2) unless that tobacco product is on the public list produced by the Department pursuant to this Subsection.

§ 195-8. Non-Approved Nicotine Products.

No product containing or delivering nicotine intended or expected for human consumption, or any part of such a product, that is not a tobacco product as defined by state laws taxing tobacco products and prohibiting their sale to youth, shall be distributed or sold to consumers in the City of Buffalo unless it has been approved or otherwise certified for legal sale by the United States Food and Drug Administration as a tobacco use cessation product, or for other medical purposes, and is being marketed and sold solely for that approved purpose. For the purposes of this Section 195-8, no product containing or delivering nicotine intended or expected for human consumption shall be considered a tobacco product, even if the nicotine in the product is derived from tobacco, unless the product actually contains tobacco.

§ 195-9. Required signage at locations selling Tobacco Products.

A. Starting January 1, 2011, any person located in the City of Buffalo in the business of selling Tobacco Products to consumers in this City shall prominently display educational warning signs made available by the Department regarding tobacco products and their use, harms and addictiveness.

B. The signs referred to in Subsection A may use text, graphics, colors, images or pictures and shall provide information from the Department and the City about the addictiveness and harmfulness of tobacco use or the benefits from quitting or reducing such tobacco use and may also provide the following information and messages from the Department and the City:

- (1) the telephone number "800-QUIT-NOW (800-784-8669)" or other phone numbers or email or website addresses people can use to get assistance for quitting their tobacco use;
- (2) additional information and guidance regarding quitting or reducing tobacco use;
- (3) statements encouraging Tobacco Product users to quit and to use the provided information to get help quitting; and
- (4) toll-free telephone numbers, email addresses, or website addresses for reporting any suspected violations of this Chapter or other laws pertaining to Tobacco Products and related information and guidance.

C. Except as provided in Subsection E, the signs made available by the Department pursuant to this Section shall be no smaller than 144 square inches and no larger than 256 square inches.

D. Except as provided in Subsection E, any business subject to this Section shall, within 90 days of when they are made available, display the signs made available by the Department pursuant to Subsection C, unobstructed, at all of the following locations with the bottom edges placed no lower than 36 inches from the floor and the top edges placed no higher than 84 inches from the floor:

- (1) at each cash register or place of payment so that they can easily be seen and read by each consumer making a purchase;
- (2) if different from the locations described in paragraph (1), at each location where tobacco products are displayed so they can be seen and read easily by each person considering a tobacco product purchase; and
- (3) at each entrance to the business so that they can be seen and read easily by each person entering the business.

E. The Department shall also make available signs that satisfy the requirements of this Section that are no smaller than 324 square inches and no larger than 576 square inches; and businesses subject to this Section that have a wall behind a sales counter or cash register to post one such sign on that wall, unobstructed, instead of the signs required at the sales counters or cash

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registers in front of that wall by Subsection D, with the bottom edge placed no lower than 48 inches from the floor and the top edge placed no higher than 90 inches from the floor.

F. For good cause, based upon a written application submitted by a business subject to this Section, the Department may, at its discretion, alter the requirements of Subsections D and E to accommodate the physical arrangement or size of the business while still ensuring that the resulting required signs will be clearly visible to all store patrons at the point of entrance and purchase and at any other location where tobacco products are displayed.

G. To promote the purpose of this Section 195-9 and this Chapter, the Department shall have the authority, in consultation with the City of Buffalo Wellness Program and other public health experts, to:

(1) issue regulations, rules or other notices to establish more precise requirements relating the placement or location of the signs that must be displayed pursuant to this Section or to otherwise facilitate the administration and enforcement of this Section;

(2) determine the actual size and content of the signs within the parameters and requirements of this Section;

(3) produce the signs that comply with this Section or obtain them from other sources;

(4) offer or distribute the signs to businesses subject to this Section for free or at a reasonable price that is not significantly more than necessary to cover any expenditures by the Department related to obtaining, producing and distributing the signs which are in excess of the revenues obtained by the Department pursuant to Section 195-3.E and allocated by the Department to support the administration of this Section 195-9;

(5) periodically modify the text, images or other content of the signs made available by the Department pursuant to this Section based on the Department's determination that such modifications may help to education consumers about tobacco use and its harms, otherwise help to prevent and reduce tobacco use and its harms, correct misinformation among consumers about tobacco products or their use and harms, assist the enforcement of this Section 195-9 and this Act; or otherwise promote the purposes of this Section and this Act;

(6) require no more than three times per year that businesses subject to this Section 195-9 replace some or all of the signs posted at their business pursuant to this Section with any new, modified or different versions made available by the Department.

H. In issuing any regulations to implement this section 195-9, the Department shall ensure that the regulations are consistent with any court rulings relating to Article 181.19 of the New York City Health Code, which provides for a similar system of educational warning signs at places that sell tobacco products.

§ 195-10. Sales Restrictions.

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A. Sale or distribution of Tobacco Products to consumers through a vending machine is prohibited. For the purposes of this Section 195-10 "vending machine" shall mean any mechanical, electronic or other device that automatically dispenses Tobacco Products, usually upon the insertion of a coin, bill, token, credit or debit card or other payment item without the active participation of any human seller or distributor. The owner and operator of the location where an active tobacco vending machine is placed and the owner and operator of such tobacco vending machine shall each, in addition to any other applicable penalties, be subject to the fines contained in Chapter 175 of this Code. Any tobacco vending machine found by the Department to be in operation in violation of this Section 195-10 for a second or subsequent time, shall be sealed, removed, impounded, or otherwise secured by a member of the police department or any other authorized enforcement agency so as to prevent such vending machine's continued illegal operation.

B. No sale of Tobacco Products to consumers shall be made unless the person making the sale to the consumer is at least eighteen years of age, except that the minimum age for a retail outlet's sales staff who are members of the family of the person that both owns and operates the retail outlet shall be sixteen years of age.

C. No person shall sell or provide for commercial purposes any Tobacco Products to any person who is less than 18 years of age.

D. No person shall sell, offer for sale, or otherwise provide for commercial purposes any blunt wraps to any consumer. For the purposes of this Subsection, "Blunt Wrap" means any product that is made or sold for encasing, wrapping or rolling tobacco or any other material for the purpose of smoking, if such product is designed to be filled by the consumer and is: (a) made wholly or in part of tobacco; or (b) made of paper or any other material that does not contain tobacco and is: (i) intended, when filled by the consumer, to produce a finished wrap that measures 120 millimeters or more on its longest side, or (ii) sold as a pre-rolled hollow cone, the circumference of which is not equal at both ends.

§ 195-11. Tobacco Product Advertising Restrictions.

A. At any facility that sells Tobacco Products to consumers:

(1) the total square footage of all Tobacco Product sign or display-type advertisements inside the facility (as opposed to pamphlets, flyers, menus, and other handouts) shall not exceed the total square footage of all sign or display type advertisements inside the facility for all other products and services sold or offered for sale at that facility;

(2) the total square footage of all Tobacco Product sign or display-type advertisements outside the facility on its property shall not exceed the total square footage of all sign or display type advertisements outside the facility on its property for all other products and services sold or offered for sale at that facility; and

(3) all indoor or outdoor Tobacco Product sign or display-type advertisements shall:
(i) not contain any human images;

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- (ii) not contain any cartoons;
 - (iii) not use any colors other than black and white; and
 - (iv) be restricted to black text on a white background.

B. The restrictions in Paragraphs A(1) and A(2) shall not apply at any facility that obtains more than 45 percent of its total revenues from the sale of Tobacco Products.

C. The restrictions in Paragraph A(3) shall not apply to any depictions of Tobacco Product packages or trademarks that, in total, constitute no more than the smaller of 20 percent or 100 square inches of the advertisement.

D. All outdoor Tobacco Product sign or display type advertisements are prohibited on the property of any elementary or secondary school and, except for individual advertisements of no more than 100 square inches that are not coordinated with any other advertisements, are prohibited within 1,000 feet of the perimeter of any such property, except that any facility that sells Tobacco Products to consumers located within 1,000 feet of any such property may display no more than two non-coordinated outdoor signs of no more than nine square feet each consisting solely of black text on a white background to notify passersby that Tobacco Products or specific types or brands of Tobacco Products are available for purchase at that location, and such signs may provide the names of the types, brands or sub-brands of any specific tobacco products available for purchase at that location and their prices.

E. Tobacco Product advertisements, including pamphlets, flyers, or menus, shall be provided only to persons of 18 years of age or older, as verified pursuant to a government-issued photo ID. This Subsection E shall not apply to any magazine or other publication sold at the facility that contains ads for Tobacco Products or to any general advertising flyer or any other materials available at the facility for which any ads for Tobacco Products are only incidental or constitute less than twenty-five percent of the space used to advertise all of the goods and services advertised in that flyer or in the other materials.

F. Upon written application by a seller of Tobacco Products with a valid license pursuant to this Chapter or a manufacturer or importer of Tobacco Products with a valid permit pursuant to this Chapter, the Commissioner shall allow tobacco product ads in excess of the square footage restrictions in Paragraphs A(1) or A(2) or the number or square footage restrictions in Subsection D, or allow the use of color or graphics in a Tobacco Product advertisement subject to Paragraph A(3) or in a sign permitted by Subsection D if the Commissioner determines that the exceptions:

- (1) are necessary to enable the applicant to convey product information to legal adult consumers that cannot be provided to them through other reasonable means; and
- (2) will not create any significant risk of sustaining or increasing Tobacco Product use levels, youth initiation, unplanned impulse purchases, or related harms.

§ 195-12. Displays of Tobacco Products.

A. For the purposes of this Section 195-12, the following terms are defined as follows:

(1) "Tobacco Product Menu" means a booklet, pamphlet, or other document meant to be offered to adult customers by a person with a license to sell Tobacco Products pursuant to this Chapter that contains a listing of the different types, brands and sub-brands of Tobacco Products offered for sale by that person and the prices of those Tobacco Products. The Tobacco Product Menu may contain pictures and descriptions of the different types, brands and sub-brands of Tobacco Products and advertisements for the different types, brands and sub-brands of Tobacco Products.

(2) "Tobacco Product Menu Cover Page" means a page developed and distributed by the Department which must serve as the front cover or first page (if there is no front cover) of a Tobacco Menu.

B. Starting thirty days after the Department has distributed the Tobacco Product Menu Cover Page pursuant to Subsection C, no person in the business of selling tobacco products to consumers shall display or permit the display of any Tobacco Product in a manner that permits a consumer to view any Tobacco Product prior to purchase. Except as provided for in Subsection 4(B), this Section is not violated if for a reasonably necessary amount of time:

(1) At the direct request of a customer, who the seller has verified is over the age of 18 through checking a government-issued photo ID, the seller provides the customer with a specifically requested Tobacco Product so that the customer may inspect the product for quality and freshness prior to purchase; or

(2) Tobacco Products are temporarily visible during restocking, the sale of the Tobacco Products, or the carriage of the Tobacco Products into or out of the premises.

C. No later than 90 days after the effective date of this Chapter, the Department:

(1) shall develop a Tobacco Product Menu Cover Page that shall include:

- (i) information about tobacco products and the adverse health effects of tobacco use;
- (ii) an image or picture illustrating the effects of tobacco use; and
- (iii) information about how to get help to quit using tobacco products;

(2) shall distribute a copy of the Tobacco Product Menu Cover Page to all persons with a license to sell tobacco products pursuant to this Chapter. The Department shall post an electronic version of the Tobacco Product Menu Cover Page on a Department or City website, and shall provide a reasonable number of additional copies of the Tobacco Product Menu Cover Page to any adult person upon request; and

(3) may issue regulations or guidelines regarding the use of the Tobacco Product Menu Cover Page, and it may periodically modify or update the Tobacco Product Menu Cover Page.

D. No person in the business of selling Tobacco Products to consumers shall:

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(1) provide a Tobacco Product Menu to any person other than a person who the seller has verified to be 18 years of age or older pursuant to a government-issued photo ID;

(2) provide a Tobacco Product Menu to any person unless it has a Tobacco Product Menu Cover Page as its cover or first page (if there is no cover) and has a blank back cover or blank last page;

(3) modify, deface, or cover the Tobacco Product Menu Cover Page.

§ 195-13. Penalties.

A. Any person found to have violated this Chapter shall, for a first offense, be liable for a civil penalty of not less than \$100 or more than \$500 for each violation and, for any second or subsequent offense, not less than \$250 or more than \$2,000 for each violation.

B. Any person found to have violated this Chapter shall, for a third or subsequent offense in any two year period, have any licenses issued pursuant to this Chapter revoked and no new license or permit under this Chapter shall be issued to that person or for any business or property owned wholly or in part by that person for a period of not less than one year and not more than five years.

C. Any person in the business of selling Tobacco Products found to have knowingly and willfully violated this Chapter may, for a first offense, have any related licenses issued pursuant to this Chapter revoked and no new license or permit under this Chapter issued to that person or for any business or property owned wholly or in part by that person for a period not to exceed five years, and any person found to have knowingly and willfully violated this Chapter shall, for a second offense, have any related licenses issued pursuant to this Chapter revoked and no new license or permit under this Chapter shall be issued to that person or for any business or property owned wholly or in part by that person for a period of not less than one year and not more than ten years.

D. In any action brought to enforce this Chapter, the party bringing the action, if the prevailing party, shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney's fees, plus interest; and any City agency or office incurring any such costs or fees shall be directly reimbursed in full, with interest, and shall retain those funds for its own purposes.

E. Any penalties, damages, reimbursements or fees authorized by this Section or Chapter are cumulative to each other and shall be in addition to any other penalties, fines, damages, or restitution authorized by law.

F. If a court determines that a person has knowingly violated the provisions of this Section or Chapter, the court shall order any profits, gains or other monetary benefits from the violation to be disgorged and paid to the City.

G. Notwithstanding any other provision of law, an amount equal to or greater than fifty percent of all civil penalties and fines recovered by the City under this Chapter shall be provided to the

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City departments, offices or agencies responsible for enforcing this Chapter or making related investigations, in rough proportion to their participation in the enforcement and related investigations, solely to increase and supplement, but not to replace, existing resources supporting City efforts to enforce this Chapter and to enforce other City laws relating to Tobacco Products.

H. A proceeding to recover any civil penalties or reimbursements or other remedies provided for in this Section may be commenced by the service of a notice of violation, which shall be returnable to the Bureau of Administrative Adjudication. The Bureau of Administrative Adjudication shall have the power to impose the civil penalties and other remedies prescribed by this Section or Chapter or in Chapter 175 for violations of this Chapter.

I. Whenever any person has engaged in any acts or practices which constitute a violation of any provision of this Chapter or any rule promulgated thereunder, the City may make application to a court of competent jurisdiction for an order enjoining such acts or practices and for an order granting a temporary or permanent injunction, restraining order or other order enjoining such acts or practices or obtaining any other relief, penalties or damages.

J. Any person acting for the interests of itself, its members, or the general public (hereinafter "the Private Enforcer") may bring a civil action in a court of competent jurisdiction to enforce this Chapter, including related injunctive relief. Nothing in this Chapter shall prohibit the Private Enforcer from bringing a civil action in small claims court to enforce any part of this Chapter; and nothing in this Chapter shall prevent the City of Buffalo from joining in any proceeding initiated by a Private Enforcer. Upon proof of a violation in any such proceeding, whether or not the City is a party:

(1) all related civil fines, or penalties or payments pursuant to Subsection D, above, shall be paid to the City as called for in this Section 195-12; and

(2) the higher of any other established damages, including any exemplary or punitive damages, or an amount not to exceed \$1,000 for each new violation established by the Private Enforcer's civil action shall be paid to the Private Enforcer, along with all reimbursements pursuant to Subsection D, above.

K. Starting in 2012 and every two years thereafter, effective April 1, the Commissioner shall increase the monetary amounts of all fines and penalties in this Section, rounding up to the nearest ten dollars, to account for inflation and Tobacco Product price increases, based on the percentage increase, if any, to the U.S. Bureau of Labor Statistic's Consumer Price Index for Tobacco and Smoking Products over the prior two complete calendar years.

Section 2. *Amendments to Chapter 175.* The Common Council of the City of Buffalo hereby amends Chapter 175, Fees, of the Code of the City of Buffalo, by adding the following fees:

Chapter 195, Retail Marketing & Sale of Tobacco Products

Section 195-2A, license for the retail sale of Tobacco Products

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New license	No fee
License renewal	No fee
Operating without a license	\$1,000.00 per day

Section 195-10, prohibited operation of Tobacco Products Vending Machine

Prohibited operation of a vending machine	\$1000.00 per day
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Section 3. *Conforming Amendment.* Chapter 483, Vending Machines, of the Code of the City of Buffalo is hereby deleted.

Section 4. *Severability.*

(a) If any section, subsection, paragraph, sub-paragraph or other provision of this Act is held invalid, such invalidity shall not affect other sections, subsections, paragraph, sub-paragraph or provisions of this Act which can be given force and effect without the invalidated section, subsection, paragraph, sub-paragraph or provision.

(b) If it is determined by a court of law that any requirements or restrictions established by this Act are, to the extent they apply to businesses engaged in the sale of cigarettes, preempted by the Federal Cigarette Labeling and Advertising Act or any other law, those requirements or restrictions shall remain in full force and effect only in regard to businesses engaged in the sale of Tobacco Products other than cigarettes.

(c) If it is determined by a court of law that any requirements or restrictions established by this Act are, to the extent they apply to cigarette advertising, preempted by the Federal Cigarette Labeling and Advertising Act or any other law, those requirements or restrictions shall remain in full force and effect only in regard to advertising for Tobacco Products other than cigarettes.

(d) If it is determined by a court of law that any requirements or restrictions established by this Act are, to the extent they apply to cigarettes and/or smokeless tobacco products, preempted by the federal Family Smoking Prevention and Tobacco Control Act or any other law, those requirements or restrictions shall remain in full force and effect only in regard to Tobacco Products other than cigarettes and/or smokeless tobacco products.

(e) If it is determined by a court of law that any provision of this Act is invalid, as written or as applied, the Department shall, pursuant to the court's ruling, interpret, apply and, if necessary, modify the provision through issuing new guidance, regulation or rules so that the provision can still be implemented and enforced to the fullest extent possible.

Section 5. *Effective date.* This Act shall take effect 90 days after its enactment into law.

**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

BY: DEMONE A SMITH

Appointments
Commissioners of Deeds
Required for the Proper
Performance of Public Duties

That the following person(s) are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional upon the persons so appointed certifying under oath to their qualifications and filing same with the City of Buffalo

See attached list

TOTAL 355

ADOPTED

1. Alexis Hargro
2. Alison O'Leary
3. Allison Arnold
4. Alvina Zielinski
5. Amanda Finbar
6. Amy Di Joseph
7. Anessa Rowland
8. Angela Y. Croxie
9. Anita Daniels
10. Anthony Ando
11. Anthony J. LiPiana
12. Anthony J. McHugh
13. Antonio Borrelli
14. Antwan Diggs
15. Arthur O. Eve Jr.
16. Arthur Kostrzewa
17. Audrey Cannizzaro
18. Barbara J. Mantione
19. Barbara J. Weiss
20. Barbara M. Chase
21. BarCal Jones
22. Beatrice E. Rouse
23. Benjamin Matta
24. Bert Pandolfino
25. Bobbi Nelson
26. Bogusia Carroll
27. Brendan J. Kiefer
28. Brian A. Sullivan
29. Brian Burke
30. Brian G. Ross
31. Brian J. Hayden
32. Brian J. Higgins
33. Burt Mirti
34. Carron Crump
35. Catherine A. Perry
36. Catherine D. McNaughton
37. Catherine Walsh
38. Cedric Gerald
39. Charles J. Di Salvo
40. Charles P. Carier
41. Charles P. Moore
42. Charles Panzarella
43. Cheryl Mulholland
44. Chet Wrobel
45. Christopher F. Curtin
46. Christopher Sterlace
47. Colleen A. Covell
48. Connie Zellner
49. Cynthia J. Selden
50. Dalonda Walls
51. Dan Graffam
52. Dana M. Floriano
53. Daniel Redmond
54. Darien Pratchett
55. David B. Zafuto
56. David F. Mann Sr.
57. David Grundy
58. David J. Pierowicz
59. David Krug
60. David Ksaziek
61. David L. Gilson
62. David M. Lillis
63. David Martz
64. David P. Gilmour
65. David Pratt
66. David Yox
67. Deborah A. Buyers
68. Deborah A. Siracuse
69. Deborah Mulhern
70. Deborah Zdon
71. Debra A. Blando
72. Debra A. Williams
73. Deirdre J. Knightner
74. Dennis J. Kessler
75. Dennis J. Richards
76. Dennis V. Ryan
77. Derrick Syposs
78. Diana Foster
79. Diane Blachura
80. Donald Crowe
81. Donald Freling
82. Donna M. Berry
83. Doreen Leidolph
84. Douglas H. Kopp
85. Dwain Laws
86. Edgar Martinez
87. Edith Tinsley
88. Edward Bennett
89. Edwin O. Ortiz
90. Ekua Mends- Aidoo
91. Elaine Garbe
92. Elizabeth Bochiechio

93.	Elwood Parsons	139.	Jerome Grasso
94.	Emilio Cicatello	140.	Jerome Wszalek
95.	Emily Trimper	141.	Jessica M. Smith
96.	Enid Guadalupe	142.	Jessica Smith Overholt
97.	Frank Bifaro	143.	Joanne M. Gugino
98.	Frank Di James	144.	Jodi L. Lombardo
99.	Frank DiGennaro	145.	Johanan G. Calcano
100.	Gabriel Sorrentino	146.	John P. Farley
101.	Gail M. Allen	147.	John P. Fecio III
102.	Gail Moorhouse	148.	John P. Plevniak
103.	Gail Wojtowicz	149.	John P. Simich, PhD.
104.	Gary Pajonk	150.	John T. Sexton
105.	Gary V. Fazio	151.	John v. Caputo
106.	Gary W. Ziolkowski	152.	Jonathan D. Walton
107.	Gayle Syposs	153.	Joseph Gramaglia
108.	Gaynell Williams	154.	Joseph J. Tomizzi
109.	Gene M. Fronczak	155.	Joseph M. Cook
110.	George Campbell	156.	Joshua Wroblewski
111.	George K. Arthur	157.	Joy Jermain
112.	Greg Rodemeyer	158.	Joyce M. DiGiulio
113.	Gregg G. Blosat	159.	Joyce M. Donovan
114.	Gregory Robinson	160.	Juan L. Phillips
115.	Harold J. Emerson	161.	Judith McCabe
116.	Harrell Little	162.	Judy Doyle
117.	Harvey M. Frankel	163.	Julie Kane
118.	Heather Humiston	164.	Julie Wnek Ryan
119.	Hilary Berzon	165.	Juliet Szymanski
120.	Holly J. McNamara	166.	Karen A. Peck
121.	Irma Lorenzo	167.	Katherine Orlando
122.	Jack L. Kulhanek	168.	Kathleen C. Hochul
123.	Jacqueline French	169.	Kathleen Fulle
124.	Jacqueline Todorov	170.	Kathleen Galla
125.	James A. Lema	171.	Kathleen M. Keane
126.	James A. Stabler	172.	Kelly Terranova
127.	James A. Stabler	173.	Kerry Saunders
128.	James Dunham	174.	Kevin Coyne
129.	James Inman	175.	Kevin J. Fitzgerald
130.	James L. Hanners	176.	Kevin J. Gould
131.	James Wong	177.	Kevin J. Keane
132.	Jamie L. Johnson	178.	Kevin J. Lozano
133.	Jason Shell	179.	Kevin Luthringer
134.	Jay LoTempio	180.	Kevin T. Biggs
135.	Jeffrey R. Weyand	181.	Kevin Wegryn
136.	Jeffrey Rinaldo	182.	Kirk C. McKenna
137.	Jenyne B. Langhorne	183.	Kristen Betker
138.	Jeremy Martz	184.	Larry J. Schiavone

185.	LaShandra D. Williams	231.	Michael Agostino
186.	Latifa Mack	232.	Michael Castro
187.	Lawrence T. Michalski	233.	Michael Collins
188.	Leo McGrath	234.	Michael J. Schieber
189.	Leonard Jerozal	235.	Michael L. Muscarella
190.	Linda D. Siracuse	236.	Michael R. Sullivan
191.	Linda D. Stanchak	237.	Michael Raab
192.	Louis A. Kelly	238.	Michael S. O'Neill
193.	Louis J. Petrucci	239.	Michele T. Hussar
194.	Lynn M. Sacha	240.	Michelle A. Mazzone
195.	Lynn Milligan	241.	Michelli Schmitz
196.	Madalene J. Merkl	242.	Mildred Castro
197.	Magdalena DeLeon	243.	Monica L. Lalley
198.	Margaret R. Nowak	244.	Nancy A. Smardz
199.	Maria Garozzo-Payne	245.	Nancy Uzdygan
200.	Maria Lisa Doverspike	246.	Natalie Perez
201.	Maria Suarez	247.	Ndidi Nwabugwu
202.	Marian LaMacchia	248.	Nicholas Mourgas
203.	Marilyn M. Diehl	249.	Nicole Drye
204.	Mario Alaimo	250.	Noreen E. Walsh
205.	Mark Blake	251.	Oswaldo Mestre Jr.
206.	Mark E. Leffler	252.	Pamela A. Mix Rush
207.	Mark Galvin	253.	Paola R. Galante
208.	Mark J. Fitzpatrick	254.	Patricia A. Ferguson
209.	Mark J. Lauber	255.	Patrick A. Roberts
210.	Mark R. Maraschiello	256.	Patrick J. Judge
211.	Marlene L. Griggs	257.	Patrick Lonergan
212.	Marta A. Clark	258.	Patrick Sole Jr.
213.	Mary Beth Wolniewicz	259.	Paul C. Simonian
214.	Mary C. Evans	260.	Paul D. Mazur
215.	Mary C. Jackson	261.	Paul Delano
216.	Mary C. Quinn	262.	Paul M. Banyi
217.	Mary E. Zizzo	263.	Paul Tarapacki
218.	Mary Pat Schuster	264.	Paula Sebastian
219.	MaryAnn Gray	265.	Peggy J. Feldmann
220.	Maryann Gray	266.	Peter Filim
221.	Marylou Maggio	267.	Peter L. Klemann
222.	Matthew J. Fisher	268.	Peter M. Lane
223.	Matthew Jowsey	269.	Phyllis A. Ostrowski
224.	Matthew Sojda	270.	Ralph Hernandez
225.	Maureen M. Brinkworth	271.	Raul Vazquez Jr.
226.	Maureen McGurn	272.	Raymond McGurn
227.	Melinda Hill	273.	Reginald Minor
228.	Melissa A. Kilcoyne	274.	Rhonda Cannon
229.	Melvin Domagalski	275.	Rhonda J. Zloty
230.	Mia M. Moore	276.	Ricahard L. Ogorek Jr.

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|------|------------------------|------|----------------------------|
| 277. | Richard A. Balesteri | 323. | Susan M. Gonzalez |
| 278. | Richard Fulinara | 324. | Susan Trillizio |
| 279. | Richard W. Wagstaff | 325. | Tamara M. Van Wey |
| 280. | Rita Ron | 326. | Tanya M. Hook |
| 281. | Rob Catilino | 327. | Terry Stoner |
| 282. | Robert A. Barrali | 328. | Thomas A. Brodfuehrer |
| 283. | Robert A. Kruefingher | 329. | Thomas A. Gaglione |
| 284. | Robert Caico | 330. | Thomas Aikin |
| 285. | Robert J. Felschow Jr. | 331. | Timothy J. McCarthy |
| 286. | Robert N. Lorenzo | 332. | Timothy Keenan |
| 287. | Robert Reynolds | 333. | Timothy M. Curtin |
| 288. | Robin A. Hicks | 334. | Tracy D. Jones |
| 289. | Robyn Napierala | 335. | Tracy Krug |
| 290. | Robyn Tisdale | 336. | Troy O. Duncan |
| 291. | Ronald R. Draffin | 337. | Valerie Redden |
| 292. | Ronald R. Wainwright | 338. | Vanessa D. Soloman |
| 293. | Ronald Sokolowski | 339. | Vanessa Rowe |
| 294. | Ronald T. Collins | 340. | Vianne Uthman |
| 295. | Rose M. Borczynski | 341. | Vincent Caputo |
| 296. | Rosemary Fricano | 342. | Vincent P. Ferraraccio Jr. |
| 297. | Ross Kostecky | 343. | W. Scott Leuthe |
| 298. | Sallie A. Blersch | 344. | Wendy Pietrzak |
| 299. | Salvatore P. Losi | 345. | Whitney Kemp |
| 300. | Samuel Scinta | 346. | William C. Gwizdowski |
| 301. | Sandie Mendola | 347. | William Donovan |
| 302. | Sandra B. Roessler | 348. | William J. Mara |
| 303. | Sandra McGowan | 349. | William Manuszewski |
| 304. | Scott C. Seifert | 350. | William Maryniewski |
| 305. | Scott Steinwald | 351. | William Sojda |
| 306. | Sean K. Buth | 352. | William T. Buyers |
| 307. | Secret Thompson | 353. | Yolanda Rodriguez |
| 308. | Sharon Caetano | 354. | Yolanda V. Barrera |
| 309. | Sharon Fortunato | 355. | Yvonne S. Syph |
| 310. | Sharon Nelson | | |
| 311. | Shawn Lavin | | |
| 312. | Shelley C. Laudico | | |
| 313. | Sherry L. Kiszewski | | |
| 314. | Shiana Eve | | |
| 315. | Shirley D. Jackson | | |
| 316. | Shirley El- Amin | | |
| 317. | Stephanie Amico | | |
| 318. | Stephen Altieri | | |
| 319. | Steven L. Pieni | | |
| 320. | Steven M. Casey | | |
| 321. | Summara Wilson | | |
| 322. | Susan L. Jester | | |

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BY: DEMONE A SMITH

Appointments
Commissioner of Deeds

That the following persons are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional, upon the person so appointed certifying under oath to their qualifications and filing same with the City Clerk:

See Attached List.

TOTAL 36

ADOPTED

1. Africa Richardson
2. Albert J. Steele
3. Barbara A. Peoples
4. Charles L. Davis Sr.
5. Christine M. Jewitt
6. Deanna Jo Milewski
7. Deborah Cieloncki
8. Elena Ruffino
9. Frank L. Marks Sr.
10. Grace Campanella
11. Janice M. Tigg
12. Jessica Rodriguez
13. Kathleen A. Grabiec
14. Kevin Musior
15. Kristin H. Stevens
16. Linda L. Parker
17. Lucinda M. Taft
18. Lynnette M. Gospodarski
19. Marian Nowaczyk
20. Marylou Altieri
21. Melissa J. Brady
22. Nora A. Diggins
23. Patricia S. Szczesny
24. Renee C. Rechan
25. Shana A. Swan
26. Suzanne M. Grillo
27. Sylvia Young
28. Teresa L. Taylor
29. Tracy Caldarella
30. William E. Carey
31. Alfred Melchiorre
32. Michael E. Garrity
33. Christine Herring
34. Joseph Catanzaro
35. David Wayne
36. Marty Jones

ANNOUNCEMENT OF COMMITTEE MEETINGS

The following meetings are scheduled. All meetings are held in the Common Council Chambers, 13th floor City Hall, Buffalo, New York, unless otherwise noted.

Regular Committees

Committee on Civil Service	Tuesday, January 4, 2011 at 9:45 o'clock A.M.
Committee on Finance following Civil Service	Tuesday, January 4, 2011 at 10:00 o'clock A.M.
Committee on Comm. Dev.	Tuesday, January 4, 2011 at 1:00 o'clock P.M.
Committee on Legislation	Tuesday, January 4, 2011 at 2:00 o'clock P.M.

(Public Disclaimer): All meetings are subject to change and cancellation by the respective Chairmen of Council Committees. In the event that there is sufficient time given for notification, it will be provided. In addition, there may be meetings set up whereby the City Clerk's Office is not made aware; therefore, unless we receive notice from the respective Chairmen, we can only make notification of what we are made aware.

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No.

Adjournment

On a motion by Mr. Fontana, Seconded by Mr. Kearns, the Council adjourned at 2:50 PM

GERALD CHWALINSKI
CITY CLERK